

Senate Bill 604

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Repeals former provisions of Uniform Interstate Family Support Act. Incorporates most recent version of federal Uniform Interstate Family Support Act into Oregon law.

A BILL FOR AN ACT

1
2 Relating to the Uniform Interstate Family Support Act; creating new provisions; amending ORS
3 18.038, 18.042, 18.158, 18.252, 25.010, 25.287, 25.405, 33.135, 107.085, 107.135, 107.431, 108.110,
4 109.100, 109.103, 109.165, 125.025, 416.415, 416.419, 416.425, 416.440, 419B.400 and 419C.590; and
5 repealing ORS 110.303, 110.304, 110.305, 110.318, 110.321, 110.324, 110.327, 110.330, 110.333,
6 110.336, 110.339, 110.342, 110.345, 110.348, 110.349, 110.351, 110.357, 110.360, 110.363, 110.366,
7 110.369, 110.372, 110.375, 110.378, 110.379, 110.381, 110.384, 110.387, 110.390, 110.391, 110.392,
8 110.394, 110.395, 110.397, 110.398, 110.400, 110.401, 110.402, 110.405, 110.408, 110.411, 110.414,
9 110.417, 110.420, 110.423, 110.426, 110.429, 110.432, 110.435, 110.436, 110.437, 110.438, 110.440,
10 110.443, 110.446, 110.449 and 110.452.

11 **Be It Enacted by the People of the State of Oregon:**

12 **SECTION 1. Sections 2 to 79 of this 2015 Act are added to and made a part of ORS**
13 **chapter 110.**

UNIFORM INTERSTATE FAMILY SUPPORT ACT

ARTICLE 1

(General Provisions)

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19 **SECTION 2. This chapter may be cited as the Uniform Interstate Family Support Act.**

20 **SECTION 3. As used in this chapter:**

21 (1) "Child" means an individual, whether over or under the age of majority, who is or is
22 alleged to be owed a duty of support by the individual's parent or who is or is alleged to be
23 the beneficiary of a support order directed to the parent.

24 (2) "Child support order" means a support order for a child, including a child who has
25 attained the age of majority under the law of the issuing state or foreign country.

26 (3) "Convention" means the Convention on the International Recovery of Child Support
27 and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

28 (4) "Duty of support" means an obligation imposed or imposable by law to provide support
29 for a child, spouse or former spouse, including an unsatisfied obligation to provide support.

30 (5) "Foreign country" means a country, or a political subdivision of a country, other than
31 the United States, that authorizes the issuance of support orders and:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (a) That has been declared under the law of the United States to be a foreign
2 reciprocating country;

3 (b) That has established a reciprocal arrangement for child support with this state as
4 provided in section 25 of this 2015 Act;

5 (c) That has enacted a law or established procedures for the issuance and enforcement
6 of support orders that are substantially similar to the procedures under this chapter; or

7 (d) In which the Convention is in force with respect to the United States.

8 (6) "Foreign support order" means a support order of a foreign tribunal.

9 (7) "Foreign tribunal" means a court, administrative agency or quasi-judicial entity of a
10 foreign country that is authorized to establish, enforce or modify support orders or to de-
11 termine parentage of a child. "Foreign tribunal" includes a competent authority under the
12 Convention.

13 (8) "Home state" means the state or foreign country in which a child lived with a parent
14 or a person acting as parent for at least six consecutive months immediately preceding the
15 time of filing of a petition or comparable pleading for support and, if a child is less than six
16 months old, the state or foreign country in which the child lived from birth with the parent
17 or person acting as parent. A period of temporary absence of the child, parent or person
18 acting as parent is counted as part of the six-month or other period.

19 (9) "Income" includes earnings or other periodic entitlements to money from any source
20 and any other property subject to withholding for support under the law of this state.

21 (10) "Income withholding order" means an order or other legal process directed to an
22 obligor's employer or other debtor issued pursuant to ORS 25.372 to 25.427 to withhold sup-
23 port from the income of the obligor.

24 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a
25 petition or comparable pleading is forwarded or in which a petition or comparable pleading
26 is filed for forwarding to another state or foreign country.

27 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
28 support order or a judgment determining parentage of a child.

29 (13) "Issuing state" means the state in which a tribunal issues a support order or a
30 judgment determining parentage of a child.

31 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
32 support order or a judgment determining parentage of a child.

33 (15) "Law" includes decisional and statutory law and rules and regulations having the
34 force of law.

35 (16) "Obligee" means:

36 (a) An individual to whom a duty of support is or is alleged to be owed or in whose favor
37 a support order or a judgment determining parentage of a child has been issued;

38 (b) A foreign country, state or political subdivision of a state to which the rights under
39 a duty of support or support order have been assigned or which has independent claims based
40 on financial assistance provided to an individual obligee in place of child support;

41 (c) An individual seeking a judgment determining parentage of the individual's child; or

42 (d) A person that is a creditor in a proceeding under sections 62 to 74 of this 2015 Act.

43 (17) "Obligor" means an individual, or the estate of a decedent, that:

44 (a) Owes or is alleged to owe a duty of support;

45 (b) Is alleged but has not been adjudicated to be a parent of a child;

1 (c) Is liable under a support order; or

2 (d) Is a debtor in a proceeding under sections 62 to 74 of this 2015 Act.

3 (18) "Outside this state" means a location in another state or a country other than the
4 United States, whether or not the country is a foreign country.

5 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
6 limited liability company, association, joint venture, public corporation, government, gov-
7 ernmental subdivision, agency, instrumentality or any other legal or commercial entity.

8 (20) "Record" means information that is inscribed on a tangible medium or that is stored
9 in an electronic or other medium and is retrievable in perceivable form.

10 (21) "Register" means to file in a tribunal of this state a support order or judgment de-
11 termining parentage of a child issued in another state or a foreign country.

12 (22) "Registering tribunal" means a tribunal in which a support order or judgment de-
13 termining parentage of a child is registered.

14 (23) "Responding state" means a state in which a petition or comparable pleading for
15 support or to determine parentage of a child is filed or to which a petition or comparable
16 pleading is forwarded for filing from another state or a foreign country.

17 (24) "Responding tribunal" means the authorized tribunal in a responding state or foreign
18 country.

19 (25) "Spousal support order" means a support order for a spouse or former spouse of the
20 obligor.

21 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
22 the United States Virgin Islands, any territory or insular possession under the jurisdiction
23 of the United States or an Indian nation or tribe.

24 (27) "Support enforcement agency" means a public official, governmental entity or pri-
25 vate agency authorized to:

26 (a) Seek enforcement of support orders or laws relating to the duty of support;

27 (b) Seek establishment or modification of child support;

28 (c) Request determination of parentage of a child;

29 (d) Attempt to locate obligors or their assets; or

30 (e) Request determination of the controlling child support order.

31 (28) "Support order" means a judgment, decree, order, decision or directive, whether
32 temporary, final or subject to modification, issued in a state or foreign country for the ben-
33 efit of a child, a spouse or a former spouse, that provides for monetary support, health care,
34 arrearages, retroactive support or reimbursement for financial assistance provided to an
35 individual obligee in place of child support. The term may include related costs and fees, in-
36 terest, income withholding, automatic adjustment, reasonable attorney fees and other relief.

37 (29) "Tribunal" means a court, administrative agency or quasi-judicial entity authorized
38 to establish, enforce or modify support orders or to determine parentage of a child.

39 **SECTION 4.** The tribunals of this state are the circuit court, the administrator as defined
40 in ORS 25.010, the Department of Justice or an administrative law judge of the Employment
41 Department, as appropriate.

42 **SECTION 5.** (1) Remedies provided by this chapter are cumulative and do not affect the
43 availability of remedies under other law or the recognition of a foreign support order on the
44 basis of comity.

45 (2) This chapter does not:

1 (a) Provide the exclusive method of establishing or enforcing a support order under the
2 law of this state; or

3 (b) Grant a tribunal of this state jurisdiction to render judgment or issue an order re-
4 lating to child custody or visitation in a proceeding under this chapter.

5 **SECTION 6.** (1) A tribunal of this state shall apply sections 2 to 61 of this 2015 Act and,
6 as applicable, sections 62 to 74 of this 2015 Act to a support proceeding involving:

7 (a) A foreign support order;

8 (b) A foreign tribunal; or

9 (c) An obligee, obligor or child residing in a foreign country.

10 (2) A tribunal of this state that is requested to recognize and enforce a support order on
11 the basis of comity may apply the procedural and substantive provisions of sections 2 to 61
12 of this 2015 Act .

13 (3) Sections 62 to 74 of this 2015 Act apply only to a support proceeding under the Con-
14 vention. In such a proceeding, if a provision of sections 62 to 74 of this 2015 Act is incon-
15 sistent with sections 2 to 61 of this 2015 Act, sections 62 to 74 of this 2015 Act control.

16
17 **ARTICLE 2**
18 **(Jurisdiction)**
19

20 **SECTION 7.** (1) In a proceeding to establish or enforce a support order or to determine
21 parentage of a child, a tribunal of this state may exercise personal jurisdiction over a non-
22 resident individual or the individual's guardian or conservator if:

23 (a) The individual is personally served with notice within this state;

24 (b) The individual submits to the jurisdiction of this state by consent in a record, by en-
25 tering a general appearance or by filing a responsive document having the effect of waiving
26 any contest to personal jurisdiction;

27 (c) The individual resided with the child in this state;

28 (d) The individual resided in this state and provided prenatal expenses or support for the
29 child;

30 (e) The child resides in this state as a result of the acts or directives of the individual;

31 (f) The individual engaged in sexual intercourse in this state and the child may have been
32 conceived by that act of intercourse;

33 (g) The individual asserted parentage of a child in the registry maintained in this state
34 by the Center for Health Statistics of the Oregon Health Authority by filing a voluntary ac-
35 knowledgment of paternity under ORS 109.070; or

36 (h) There is any other basis consistent with the Constitutions of the State of Oregon and
37 the United States for the exercise of personal jurisdiction.

38 (2) The bases of personal jurisdiction set forth in subsection (1) of this section or in any
39 other law of this state may not be used to acquire personal jurisdiction for a tribunal of this
40 state to modify a child support order of another state unless the requirements of section 56
41 of this 2015 Act are met or, in the case of a foreign support order, unless the requirements
42 of section 60 of this 2015 Act are met.

43 **SECTION 8.** Personal jurisdiction acquired by a tribunal of this state in a proceeding
44 under this chapter or other law of this state relating to a support order continues as long
45 as a tribunal of this state has continuing, exclusive jurisdiction to modify its order or con-

1 continuing jurisdiction to enforce its order as provided by sections 11, 12 and 17 of this 2015 Act.

2 **SECTION 9.** Under this chapter, a tribunal of this state may serve as an initiating
3 tribunal to forward proceedings to a tribunal of another state, and as a responding tribunal
4 for proceedings initiated in another state or a foreign country.

5 **SECTION 10.** (1) A tribunal of this state may exercise jurisdiction to establish a support
6 order if the petition or comparable pleading is filed after a pleading is filed in another state
7 or a foreign country only if:

8 (a) The petition or comparable pleading in this state is filed before the expiration of the
9 time allowed in the other state or the foreign country for filing a responsive pleading chal-
10 lenging the exercise of jurisdiction by the other state or the foreign country;

11 (b) The contesting party timely challenges the exercise of jurisdiction in the other state
12 or the foreign country; and

13 (c) If relevant, this state is the home state of the child.

14 (2) A tribunal of this state may not exercise jurisdiction to establish a support order if
15 the petition or comparable pleading is filed before a petition or comparable pleading is filed
16 in another state or a foreign country if:

17 (a) The petition or comparable pleading in the other state or foreign country is filed be-
18 fore the expiration of the time allowed in this state for filing a responsive pleading chal-
19 lenging the exercise of jurisdiction by this state;

20 (b) The contesting party timely challenges the exercise of jurisdiction in this state; and

21 (c) If relevant, the other state or foreign country is the home state of the child.

22 **SECTION 11.** (1) A tribunal of this state that has issued a child support order consistent
23 with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify
24 its child support order if the order is the controlling order and:

25 (a) At the time of the filing of a request for modification, this state is the residence of
26 the obligor, the individual obligee or the child for whose benefit the support order is issued;
27 or

28 (b) Even if this state is not the residence of the obligor, the individual obligee or the child
29 for whose benefit the support order is issued, the parties consent in a record or in open court
30 that the tribunal of this state may continue to exercise jurisdiction to modify its order.

31 (2) A tribunal of this state that has issued a child support order consistent with the law
32 of this state may not exercise continuing, exclusive jurisdiction to modify the order if:

33 (a) All of the parties who are individuals file consent in a record with the tribunal of this
34 state that a tribunal of another state that has jurisdiction over at least one of the parties
35 who is an individual or that is located in the state of residence of the child may modify the
36 order and assume continuing, exclusive jurisdiction; or

37 (b) The tribunal's order is not the controlling order.

38 (3) If a tribunal of another state has issued a child support order pursuant to the Uni-
39 form Interstate Family Support Act or a law substantially similar to that Act which modifies
40 a child support order of a tribunal of this state, tribunals of this state shall recognize the
41 continuing, exclusive jurisdiction of the tribunal of the other state.

42 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child
43 support order may serve as an initiating tribunal to request a tribunal of another state to
44 modify a support order issued in that state.

45 (5) A temporary support order issued ex parte or pending resolution of a jurisdictional

1 conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

2 **SECTION 12.** (1) A tribunal of this state that has issued a child support order consistent
 3 with the law of this state may serve as an initiating tribunal to request a tribunal of another
 4 state to enforce:

5 (a) The order if the order is the controlling order and has not been modified by a tribunal
 6 of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Sup-
 7 port Act; or

8 (b) A money judgment for arrears of support and interest on the order accrued before a
 9 determination that an order of a tribunal of another state is the controlling order.

10 (2) A tribunal of this state having continuing jurisdiction over a support order may act
 11 as a responding tribunal to enforce the order.

12 **SECTION 13.** (1) If a proceeding is brought under this chapter and only one tribunal has
 13 issued a child support order, the order of that tribunal controls and must be recognized.

14 (2) If a proceeding is brought under this chapter and two or more child support orders
 15 have been issued by tribunals of this state, another state or a foreign country with regard
 16 to the same obligor and same child, a tribunal of this state having personal jurisdiction over
 17 both the obligor and individual obligee shall apply the following rules and by order shall de-
 18 termine which order controls and must be recognized:

19 (a) If only one of the tribunals would have continuing, exclusive jurisdiction under this
 20 chapter the order of that tribunal controls.

21 (b) If more than one of the tribunals would have continuing, exclusive jurisdiction under
 22 this chapter:

23 (A) An order issued by a tribunal in the current home state of the child controls; or

24 (B) If an order has not been issued in the current home state of the child, the order most
 25 recently issued controls.

26 (c) If none of the tribunals would have continuing, exclusive jurisdiction under this
 27 chapter, the tribunal of this state shall issue a child support order, which controls.

28 (3) If two or more child support orders have been issued for the same obligor and same
 29 child, upon request of a party who is an individual or that is a support enforcement agency,
 30 a tribunal of this state having personal jurisdiction over both the obligor and the obligee who
 31 is an individual shall determine which order controls under subsection (2) of this section. The
 32 request may be filed with a registration for enforcement or registration for modification
 33 pursuant to sections 46 to 61 of this 2015 Act or may be filed as a separate proceeding.

34 (4) A request to determine which is the controlling order must be accompanied by a copy
 35 of every child support order in effect and the applicable record of payments. The requesting
 36 party shall give notice of the request to each party whose rights may be affected by the de-
 37 termination.

38 (5) The tribunal that issued the controlling order under subsection (1), (2) or (3) of this
 39 section has continuing jurisdiction to the extent provided in section 11 or 12 of this 2015 Act.

40 (6) A tribunal of this state that determines by order which is the controlling order under
 41 subsection (2)(a) or (b) or (3) of this section or that issues a new controlling order under
 42 subsection (2)(c) of this section shall state in that order:

43 (a) The basis upon which the tribunal made its determination;

44 (b) The amount of prospective support, if any; and

45 (c) The total amount of consolidated arrears and accrued interest, if any, under all of the

1 orders after all payments made are credited as provided by section 15 of this 2015 Act.

2 (7) Within 30 days after issuance of an order determining which is the controlling order,
3 the party obtaining the order shall file a certified copy of it in each tribunal that issued or
4 registered an earlier order of child support. A party or support enforcement agency obtaining
5 the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal
6 in which the issue of failure to file arises. The failure to file does not affect the validity or
7 enforceability of the controlling order.

8 (8) An order that has been determined to be the controlling order, or a judgment for
9 consolidated arrears of support and interest, if any, made pursuant to this section must be
10 recognized in proceedings under this chapter.

11 **SECTION 14.** In responding to registrations or petitions for enforcement of two or more
12 child support orders in effect at the same time with regard to the same obligor and different
13 individual obligees, at least one of which was issued by a tribunal of another state or a for-
14 eign country, a tribunal of this state shall enforce those orders in the same manner as if the
15 orders had been issued by a tribunal of this state.

16 **SECTION 15.** A tribunal of this state shall credit amounts collected for a particular pe-
17 riod pursuant to any child support order against the amounts owed for the same period un-
18 der any other child support order for support of the same child issued by a tribunal of this
19 state, another state or a foreign country.

20 **SECTION 16.** A tribunal of this state exercising personal jurisdiction over a nonresident
21 in a proceeding under this chapter, under other law of this state relating to a support order
22 or recognizing a foreign support order may receive evidence from outside this state pursuant
23 to section 33 of this 2015 Act, communicate with a tribunal outside this state pursuant to
24 section 34 of this 2015 Act and obtain discovery through a tribunal outside this state pursu-
25 ant to section 35 of this 2015 Act. In all other respects, sections 18 to 61 of this 2015 Act do
26 not apply and the tribunal shall apply the procedural and substantive law of this state.

27 **SECTION 17.** (1) A tribunal of this state issuing a spousal support order consistent with
28 the law of this state has continuing, exclusive jurisdiction to modify the spousal support or-
29 der throughout the existence of the support obligation.

30 (2) A tribunal of this state may not modify a spousal support order issued by a tribunal
31 of another state or a foreign country having continuing, exclusive jurisdiction over that or-
32 der under the law of that state or foreign country.

33 (3) A tribunal of this state that has continuing, exclusive jurisdiction over a spousal
34 support order may serve as:

35 (a) An initiating tribunal to request a tribunal of another state to enforce the spousal
36 support order issued in this state; or

37 (b) A responding tribunal to enforce or modify its own spousal support order.

38 ARTICLE 3

39 (Civil Provisions of General Application)

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41
42 **SECTION 18.** (1) Except as otherwise provided in this chapter, sections 18 to 36 of this
43 2015 Act apply to all proceedings under this chapter.

44 (2) An individual petitioner or a support enforcement agency may initiate a proceeding
45 authorized under this chapter by filing a petition in an initiating tribunal for forwarding to

1 a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal
2 of another state or a foreign country that has or can obtain personal jurisdiction over the
3 respondent.

4 **SECTION 19.** A minor parent, or a guardian or other legal representative of a minor
5 parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

6 **SECTION 20.** Except as otherwise provided in this chapter, a responding tribunal of this
7 state shall:

8 (1) Apply the procedural and substantive law generally applicable to similar proceedings
9 originating in this state and may exercise all powers and provide all remedies available in
10 those proceedings; and

11 (2) Determine the duty of support and the amount payable in accordance with the law
12 and support guidelines of this state.

13 **SECTION 21.** (1) Upon the filing of a petition authorized by this chapter, an initiating
14 tribunal of this state shall forward the petition and its accompanying documents:

15 (a) To the responding tribunal or appropriate support enforcement agency in the re-
16 sponding state; or

17 (b) If the identity of the responding tribunal is unknown, to the state information agency
18 of the responding state with a request that the petition and accompanying documents be
19 forwarded to the appropriate tribunal and that receipt be acknowledged.

20 (2) If requested by the responding tribunal, a tribunal of this state shall issue a certif-
21 icate or other document and make findings required by the law of the responding state. If
22 the responding tribunal is in a foreign country, upon request the tribunal of this state shall
23 specify the amount of support sought, convert that amount into the equivalent amount in
24 the foreign currency under applicable official or market exchange rate as publicly reported
25 and provide any other documents necessary to satisfy the requirements of the responding
26 foreign tribunal.

27 **SECTION 22.** (1) When a responding tribunal of this state receives a petition or compa-
28 rable pleading from an initiating tribunal or directly pursuant to section 18 (2) of this 2015
29 Act, the responding tribunal shall cause the petition or pleading to be filed and notify the
30 petitioner where and when it was filed.

31 (2) A responding tribunal of this state, to the extent not prohibited by other law, may
32 do one or more of the following:

33 (a) Establish or enforce a support order, modify a child support order, determine the
34 controlling child support order or determine parentage of a child;

35 (b) Order an obligor to comply with a support order, specifying the amount and the
36 manner of compliance;

37 (c) Order income withholding;

38 (d) Determine the amount of any arrearages and specify a method of payment;

39 (e) Enforce orders by civil or criminal contempt, or both;

40 (f) Set aside property for satisfaction of the support order;

41 (g) Place liens and order execution on the obligor's property;

42 (h) Order an obligor to keep the tribunal informed of the obligor's current residential
43 address, electronic mail address, telephone number, employer, address of employment and
44 telephone number at the place of employment;

45 (i) Issue a warrant for an obligor who has failed, after proper notice, to appear at a

1 hearing ordered by the tribunal and enter the warrant in any local and state computer sys-
 2 tems for criminal warrants;

3 (j) Order the obligor to seek appropriate employment by specified methods;

4 (k) Award reasonable attorney fees and other fees and costs; and

5 (L) Grant any other available remedy.

6 (3) A responding tribunal of this state shall include in a support order issued under this
 7 chapter, or in the documents accompanying the order, the calculations on which the support
 8 order is based.

9 (4) A responding tribunal of this state may not condition the payment of a support order
 10 issued under this chapter upon compliance by a party with provisions for visitation.

11 (5) If a responding tribunal of this state issues an order under this chapter, the tribunal
 12 shall send a copy of the order to the petitioner and the respondent and to the initiating
 13 tribunal, if any.

14 (6) If requested to enforce a support order, arrears or judgment or to modify a support
 15 order stated in a foreign currency, a responding tribunal of this state shall convert the
 16 amount stated in the foreign currency to the equivalent amount in dollars under the appli-
 17 cable official or market exchange rate as publicly reported.

18 **SECTION 23.** If a petition or comparable pleading is received by an inappropriate tribunal
 19 of this state, the tribunal shall forward the pleading and accompanying documents to an
 20 appropriate tribunal of this state or another state and notify the petitioner where and when
 21 the pleading was sent.

22 **SECTION 24.** (1) A support enforcement agency of this state, upon request, shall provide
 23 services to a petitioner in a proceeding under this chapter.

24 (2) A support enforcement agency of this state that is providing services to the petitioner
 25 shall:

26 (a) Take all steps necessary to enable an appropriate tribunal of this state, another state
 27 or a foreign country to obtain jurisdiction over the respondent;

28 (b) Request an appropriate tribunal to set a date, time and place for a hearing;

29 (c) Make a reasonable effort to obtain all relevant information, including information as
 30 to income and property of the parties;

31 (d) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of
 32 notice in a record from an initiating, responding or registering tribunal, send a copy of the
 33 notice to the petitioner;

34 (e) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of
 35 communication in a record from the respondent or the respondent's attorney, send a copy
 36 of the communication to the petitioner; and

37 (f) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

38 (3) A support enforcement agency of this state that requests registration of a child sup-
 39 port order in this state for enforcement or for modification shall make reasonable efforts:

40 (a) To ensure that the order to be registered is the controlling order; or

41 (b) If two or more child support orders exist and the identity of the controlling order has
 42 not been determined, to ensure that a request for such a determination is made in a tribunal
 43 having jurisdiction to do so.

44 (4) A support enforcement agency of this state that requests registration and enforce-
 45 ment of a support order, arrears or judgment stated in a foreign currency shall convert the

1 amounts stated in the foreign currency into the equivalent amounts in dollars under the
2 applicable official or market exchange rate as publicly reported.

3 (5) A support enforcement agency of this state shall issue or request a tribunal of this
4 state to issue a child support order and an income withholding order that redirect payment
5 of current support, arrears and interest if requested to do so by a support enforcement
6 agency of another state pursuant to section 36 of this 2015 Act.

7 (6) This chapter does not create or negate a relationship of attorney and client or other
8 fiduciary relationship between a support enforcement agency or the attorney for the agency
9 and the individual being assisted by the agency.

10 **SECTION 25.** (1) If the appropriate state official or agency determines that the support
11 enforcement agency is neglecting or refusing to provide services to an individual, the state
12 official or agency may order the agency to perform its duties under this chapter or may
13 provide those services directly to the individual.

14 (2) The appropriate state official or agency may determine that a foreign country has
15 established a reciprocal arrangement for child support with this state and take appropriate
16 action for notification of the determination.

17 **SECTION 26.** An individual may employ private counsel to represent the individual in
18 proceedings authorized by this chapter.

19 **SECTION 27.** (1) The Attorney General's office is the state information agency under this
20 chapter.

21 (2) The state information agency shall:

22 (a) Compile and maintain a current list, including addresses, of the tribunals in this state
23 that have jurisdiction under this chapter and any support enforcement agencies in this state
24 and transmit a copy to the state information agency of every other state;

25 (b) Maintain a register of names and addresses of tribunals and support enforcement
26 agencies received from other states;

27 (c) Forward to the appropriate tribunal in the county in this state in which the obligee
28 who is an individual or the obligor resides, or in which the obligor's property is believed to
29 be located, all documents concerning a proceeding under this chapter received from another
30 state or a foreign country; and

31 (d) Obtain information concerning the location of the obligor and the obligor's property
32 within this state not exempt from execution, by such means as postal verification and federal
33 or state locator services, examination of telephone directories, requests for the obligor's
34 address from employers and examination of governmental records including, to the extent
35 not prohibited by other law, those relating to real property, vital statistics, law enforcement,
36 taxation, motor vehicles, driver licenses and Social Security.

37 **SECTION 28.** (1) In a proceeding under this chapter, a petitioner seeking to establish a
38 support order, to determine parentage of a child or to register and modify a support order
39 of a tribunal of another state or a foreign country must file a petition. Unless otherwise
40 ordered under section 29 of this 2015 Act, the petition or accompanying documents must
41 provide, so far as known, the name, residential address and Social Security numbers of the
42 obligor and the obligee or the parent and alleged parent and the name, sex, residential ad-
43 dress, Social Security number and date of birth of each child for whose benefit support is
44 sought or whose parentage is to be determined. Unless filed at the time of registration, the
45 petition must be accompanied by a copy of any support order known to have been issued by

1 another tribunal. The petition may include any other information that may assist in locating
2 or identifying the respondent.

3 (2) The petition must specify the relief sought. The petition and accompanying documents
4 must conform substantially with the requirements imposed by the forms mandated by federal
5 law for use in cases filed by a support enforcement agency.

6 **SECTION 29.** If a party alleges in an affidavit or a pleading under oath that the health,
7 safety or liberty of a party or child would be jeopardized by disclosure of specific identifying
8 information, that information must be sealed and may not be disclosed to the other party
9 or the public. After a hearing in which a tribunal takes into consideration the health, safety
10 or liberty of the party or child, the tribunal may order disclosure of information that the
11 tribunal determines to be in the interest of justice.

12 **SECTION 30.** (1) The petitioner may not be required to pay a filing fee or other costs.

13 (2) If an obligee prevails, a responding tribunal of this state may assess against an obligor
14 filing fees, reasonable attorney fees, other costs and necessary travel and other reasonable
15 expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess
16 fees, costs or expenses against the obligee or the support enforcement agency of either the
17 initiating or responding state or foreign country except as provided by other law. Attorney
18 fees may be taxed as costs and may be ordered paid directly to the attorney, who may en-
19 force the order in the attorney's own name. Payment of support owed to the obligee has
20 priority over fees, costs and expenses.

21 (3) The tribunal shall order the payment of costs and reasonable attorney fees if it de-
22 termines that a hearing was requested primarily for delay. In a proceeding under sections
23 46 to 61 of this 2015 Act, a hearing is presumed to have been requested primarily for delay
24 if a registered support order is confirmed or enforced without change.

25 **SECTION 31.** (1) Participation by a petitioner in a proceeding under this chapter before
26 a responding tribunal, whether in person, by private attorney or through services provided
27 by the support enforcement agency, does not confer personal jurisdiction over the petitioner
28 in another proceeding.

29 (2) A petitioner is not amenable to service of civil process while physically present in this
30 state to participate in a proceeding under this chapter.

31 (3) The immunity granted by this section does not extend to civil litigation based on acts
32 unrelated to a proceeding under this chapter committed by a party while physically present
33 in this state to participate in the proceeding.

34 **SECTION 32.** A party whose parentage of a child has been previously determined by or
35 pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

36 **SECTION 33.** (1) The physical presence of a nonresident party who is an individual in a
37 tribunal of this state is not required for the establishment, enforcement or modification of
38 a support order or the rendition of a judgment determining parentage of a child.

39 (2) An affidavit, a document substantially complying with federally mandated forms or a
40 document incorporated by reference in an affidavit or form that would not be excluded under
41 the hearsay rule if given in person is admissible in evidence if given under penalty of perjury
42 by a party or witness residing outside this state.

43 (3) A copy of the record of child support payments certified as a true copy of the original
44 by the custodian of the record may be forwarded to a responding tribunal. The copy is evi-
45 dence of the facts asserted in the record and is admissible to show whether payments were

1 made.

2 (4) Copies of bills for testing for parentage of a child and for prenatal and postnatal
3 health care of the mother and child that are furnished to the adverse party at least 10 days
4 before trial are admissible in evidence to prove the amount of the charges billed and that the
5 charges were reasonable, necessary and customary.

6 (5) Documentary evidence transmitted from outside this state to a tribunal of this state
7 by telephone, telecopier or other electronic means that do not provide an original record may
8 not be excluded from evidence on an objection based on the means of transmission.

9 (6) In a proceeding under this chapter, a tribunal of this state shall permit a party or
10 witness residing outside this state to be deposed or to testify under penalty of perjury by
11 telephone, audiovisual means or other electronic means at a designated tribunal or other
12 location. A tribunal of this state shall cooperate with other tribunals in designating an ap-
13 propriate location for the deposition or testimony.

14 (7) If a party called to testify at a civil hearing refuses to answer on the ground that the
15 testimony may be self-incriminating, the trier of fact may draw an adverse inference from
16 the refusal.

17 (8) A privilege against disclosure of communications between spouses does not apply in
18 a proceeding under this chapter.

19 (9) The defense of immunity based on the relationship of husband and wife or parent and
20 child does not apply in a proceeding under this chapter.

21 (10) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to
22 establish parentage of the child.

23 **SECTION 34.** A tribunal of this state may communicate with a tribunal outside this state
24 in a record or by telephone, electronic mail or other means to obtain information concerning
25 the laws of that tribunal, the legal effect of a judgment, decree or order of that tribunal and
26 the status of a proceeding. A tribunal of this state may furnish similar information by sim-
27 ilar means to a tribunal outside this state.

28 **SECTION 35.** A tribunal of this state may:

29 (1) Request a tribunal outside this state to assist in obtaining discovery; and

30 (2) Upon request, compel a person over which it has jurisdiction to respond to a discovery
31 order issued by a tribunal outside this state.

32 **SECTION 36.** (1) A support enforcement agency or tribunal of this state shall disburse
33 promptly any amounts received pursuant to a support order as directed by the order. The
34 agency or tribunal shall furnish to a requesting party or tribunal of another state or a for-
35 eign country a certified statement by the custodian of the record of the amounts and dates
36 of all payments received.

37 (2) If neither the obligor nor the obligee who is an individual nor the child resides in this
38 state, upon request from the support enforcement agency of this state or another state, the
39 support enforcement agency of this state or a tribunal of this state shall:

40 (a) Direct that the support payment be made to the support enforcement agency in the
41 state in which the obligee is receiving services; and

42 (b) Issue and send to the obligor's employer a conforming income withholding order or
43 an administrative notice of change of payee reflecting the redirected payments.

44 (3) The support enforcement agency of this state receiving redirected payments from
45 another state pursuant to a law similar to subsection (2) of this section shall furnish to a

1 requesting party or tribunal of the other state a certified statement by the custodian of the
 2 record of the amount and dates of all payments received.

3
 4 **ARTICLE 4**

5 **(Establishment of Support Order or Determination of Parentage)**

6
 7 **SECTION 37.** (1) If a support order entitled to recognition under this chapter has not
 8 been issued, a responding tribunal of this state with personal jurisdiction over the parties
 9 may issue a support order if:

- 10 (a) The individual seeking the order resides outside this state; or
 11 (b) The support enforcement agency seeking the order is located outside this state.

12 (2) The tribunal may issue a temporary child support order if the tribunal determines
 13 that such an order is appropriate and the individual ordered to pay is:

- 14 (a) A presumed father of the child;
 15 (b) Petitioning to have his paternity adjudicated;
 16 (c) Identified as the father of the child through genetic testing;
 17 (d) An alleged father who has declined to submit to genetic testing;
 18 (e) Shown by clear and convincing evidence to be the father of the child;
 19 (f) An acknowledged father as provided by applicable state law;
 20 (g) The mother of the child; or

21 (h) An individual who has been ordered to pay child support in a previous proceeding and
 22 the order has not been reversed or vacated.

23 (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty
 24 of support, the tribunal shall issue a support order directed to the obligor and may issue
 25 other orders pursuant to section 22 of this 2015 Act.

26 **SECTION 38.** A tribunal of this state authorized to determine parentage of a child may
 27 serve as a responding tribunal in a proceeding to determine parentage of a child brought
 28 under this chapter or a law or procedure substantially similar to this chapter.

29
 30 **ARTICLE 5**

31 **(Enforcement of Support Order Without Registration)**

32
 33 **SECTION 39.** An income withholding order issued in another state may be sent by or on
 34 behalf of the obligee, or by the support enforcement agency, to the person defined as the
 35 obligor's employer under the income withholding law of this state without first filing a peti-
 36 tion or comparable pleading or registering the order with a tribunal of this state.

37 **SECTION 40.** (1) Upon receipt of an income withholding order, the obligor's employer
 38 shall immediately provide a copy of the order to the obligor.

39 (2) The employer shall treat an income withholding order issued in another state that
 40 appears regular on its face as if it had been issued by a tribunal of this state.

41 (3) Except as otherwise provided in subsection (4) of this section and section 41 of this
 42 2015 Act, the employer shall withhold and distribute the funds as directed in the income
 43 withholding order by complying with terms of the order that specify:

- 44 (a) The duration and amount of periodic payments of current child support, stated as a
 45 sum certain;

1 (b) The person designated to receive payments and the address to which the payments
2 are to be forwarded;

3 (c) Medical support, whether in the form of a periodic cash payment, stated as a sum
4 certain or by ordering the obligor to provide health insurance coverage for the child under
5 a policy available through the obligor's employment;

6 (d) The amount of periodic payments of fees and costs for a support enforcement agency,
7 the issuing tribunal and the obligee's attorney, stated as sums certain; and

8 (e) The amount of periodic payments of arrearages and interest on arrearages, stated as
9 sums certain.

10 (4) An employer shall comply with the law of the state of the obligor's principal place of
11 employment for withholding from income with respect to:

12 (a) The employer's fee for processing an income withholding order;

13 (b) The maximum amount permitted to be withheld from the obligor's income; and

14 (c) The times within which the employer must implement the income withholding order
15 and forward the child support payment.

16 SECTION 41. If an obligor's employer receives two or more income withholding orders
17 with respect to the earnings of the same obligor, the employer satisfies the terms of the
18 orders if the employer complies with the law of the state of the obligor's principal place of
19 employment to establish the priorities for withholding and allocating income withheld for two
20 or more child support obligees.

21 SECTION 42. An employer that complies with an income withholding order issued in an-
22 other state in accordance with sections 39 to 45 of this 2015 Act is not subject to civil liability
23 to an individual or agency with regard to the employer's withholding of child support from
24 the obligor's income.

25 SECTION 43. An employer that willfully fails to comply with an income withholding order
26 issued in another state and received for enforcement is subject to the same penalties that
27 may be imposed for noncompliance with an order issued by a tribunal of this state.

28 SECTION 44. (1) An obligor may contest the validity or enforcement of an income with-
29 holding order issued in another state and received directly by an employer in this state by
30 registering the order in a tribunal of this state and filing a contest to that order as provided
31 in sections 46 to 61 of this 2015 Act or otherwise contesting the order in the same manner
32 as if the order had been issued by a tribunal of this state.

33 (2) The obligor shall give notice of the contest to:

34 (a) A support enforcement agency providing services to the obligee;

35 (b) Each employer that has directly received an income withholding order relating to the
36 obligor; and

37 (c) The person designated to receive payments in the income withholding order or, if no
38 person is designated, to the obligee.

39 SECTION 45. (1) A party or support enforcement agency seeking to enforce a support
40 order or an income withholding order, or both, issued in another state, or a foreign support
41 order, may send the documents required for registering the order to a support enforcement
42 agency of this state.

43 (2) Upon receipt of the documents, the support enforcement agency, without initially
44 seeking to register the order, shall consider and, if appropriate, use any administrative pro-
45 cedure authorized by the law of this state to enforce a support order or an income with-

1 holding order, or both. If the obligor does not contest administrative enforcement, the order
 2 need not be registered. If the obligor contests the validity or administrative enforcement of
 3 the order, the support enforcement agency shall register the order pursuant to this chapter.

4
 5 **ARTICLE 6**

6 **(Registration, Enforcement and Modification of**
 7 **Support Orders)**

8 **(Part 1. Registration for Enforcement of Support Order)**
 9

10 **SECTION 46.** A support order or income withholding order issued in another state or a
 11 foreign support order may be registered in this state for enforcement.

12 **SECTION 47.** (1) Except as otherwise provided in section 67 of this 2015 Act, a support
 13 order or income withholding order of another state or a foreign support order may be reg-
 14 istered in this state by sending the following records to the appropriate tribunal in this state:

15 (a) A letter of transmittal to the tribunal requesting registration and enforcement;

16 (b) Two copies, including one certified copy, of the order to be registered, including any
 17 modification of the order;

18 (c) A sworn statement by the person requesting registration or a certified statement by
 19 the custodian of the records showing the amount of any arrearage;

20 (d) The name of the obligor and, if known:

21 (A) The obligor's address and Social Security number;

22 (B) The name and address of the obligor's employer and any other source of income of
 23 the obligor; and

24 (C) A description and the location of property of the obligor in this state not exempt from
 25 execution; and

26 (e) Except as otherwise provided in section 29 of this 2015 Act, the name and address of
 27 the obligee and, if applicable, the person to whom support payments are to be remitted.

28 (2) Upon receipt of a request for registration, the registering tribunal shall cause the
 29 order to be filed as an order of a tribunal of another state or a foreign support order, to-
 30 gether with one copy of the documents and information, regardless of their form.

31 (3) A petition or comparable pleading seeking a remedy that must be affirmatively sought
 32 under other law of this state may be filed at the same time as the request for registration
 33 or later. The pleading must specify the grounds for the remedy sought.

34 (4) If two or more orders are in effect, the person requesting registration shall:

35 (a) Furnish to the tribunal a copy of every support order asserted to be in effect in ad-
 36 dition to the documents specified in this section;

37 (b) Specify the order alleged to be the controlling order, if any; and

38 (c) Specify the amount of consolidated arrears, if any.

39 (5) A request for a determination of which is the controlling order may be filed separately
 40 or with a request for registration and enforcement or for registration and modification. The
 41 person requesting registration shall give notice of the request to each party whose rights
 42 may be affected by the determination.

43 **SECTION 48.** (1) A support order or income withholding order issued in another state,
 44 or a foreign support order, is registered when the order is filed in the registering tribunal
 45 of this state.

1 **(2) A registered support order issued in another state or a foreign country is enforceable**
 2 **in the same manner and is subject to the same procedures as an order issued by a tribunal**
 3 **of this state.**

4 **(3) Except as otherwise provided in this chapter, a tribunal of this state shall recognize**
 5 **and enforce, but may not modify, a registered support order if the issuing tribunal had ju-**
 6 **risdiction.**

7 **SECTION 49. (1) Except as otherwise provided in subsection (4) of this section, the law**
 8 **of the issuing state or foreign country governs:**

9 **(a) The nature, extent, amount and duration of current payments under a registered**
 10 **support order;**

11 **(b) The computation and payment of arrearages and accrual of interest on the arrearages**
 12 **under the support order; and**

13 **(c) The existence and satisfaction of other obligations under the support order.**

14 **(2) In a proceeding for arrears under a registered support order, the statute of limitation**
 15 **of this state, or of the issuing state or foreign country, whichever is longer, applies.**

16 **(3) A responding tribunal of this state shall apply the procedures and remedies of this**
 17 **state to enforce current support and collect arrears and interest due on a support order of**
 18 **another state or a foreign country registered in this state.**

19 **(4) After a tribunal of this state or another state determines which is the controlling**
 20 **order and issues an order consolidating arrears, if any, a tribunal of this state shall**
 21 **prospectively apply the law of the state or foreign country issuing the controlling order, in-**
 22 **cluding its law on interest on arrears, on current and future support and on consolidated**
 23 **arrears.**

24
 25 **(Part 2. Contest of Validity or Enforcement)**
 26

27 **SECTION 50. (1) When a support order or income withholding order issued in another**
 28 **state or a foreign support order is registered, the registering tribunal of this state shall no-**
 29 **tify the nonregistering party. The notice must be accompanied by a copy of the registered**
 30 **order and the documents and relevant information accompanying the order.**

31 **(2) A notice must inform the nonregistering party:**

32 **(a) That a registered support order is enforceable as of the date of registration in the**
 33 **same manner as an order issued by a tribunal of this state;**

34 **(b) That a hearing to contest the validity or enforcement of the registered order must**
 35 **be requested within 20 days after notice unless the registered order is under section 68 of**
 36 **this 2015 Act;**

37 **(c) That failure to contest the validity or enforcement of the registered order in a timely**
 38 **manner will result in confirmation of the order and enforcement of the order and the alleged**
 39 **arrearages; and**

40 **(d) Of the amount of any alleged arrearages.**

41 **(3) If the registering party asserts that two or more orders are in effect, a notice must**
 42 **also:**

43 **(a) Identify the two or more orders and the order alleged by the registering party to be**
 44 **the controlling order and the consolidated arrears, if any;**

45 **(b) Notify the nonregistering party of the right to a determination of which is the con-**

1 **trolling order;**

2 (c) State that the procedures provided in subsection (2) of this section apply to the de-
3 termination of which is the controlling order; and

4 (d) State that failure to contest the validity or enforcement of the order alleged to be the
5 controlling order in a timely manner may result in confirmation that the order is the con-
6 trolling order.

7 (4) Upon registration of an income withholding order for enforcement, the support
8 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant
9 to the income withholding law of this state.

10 **SECTION 51.** (1) A nonregistering party seeking to contest the validity or enforcement
11 of a registered support order in this state shall request a hearing within the time required
12 by section 50 of this 2015 Act. The nonregistering party may seek to vacate the registration,
13 to assert any defense to an allegation of noncompliance with the registered order or to con-
14 test the remedies being sought or the amount of any alleged arrearages pursuant to section
15 52 of this 2015 Act.

16 (2) If the nonregistering party fails to contest the validity or enforcement of the regis-
17 tered support order in a timely manner, the order is confirmed by operation of law.

18 (3) If a nonregistering party requests a hearing to contest the validity or enforcement
19 of the registered support order, the registering tribunal shall schedule the matter for hear-
20 ing and give notice to the parties of the date, time and place of the hearing.

21 **SECTION 52.** (1) A party contesting the validity or enforcement of a registered support
22 order or seeking to vacate the registration has the burden of proving one or more of the
23 following defenses:

24 (a) The issuing tribunal lacked personal jurisdiction over the contesting party;

25 (b) The order was obtained by fraud;

26 (c) The order has been vacated, suspended or modified by a later order;

27 (d) The issuing tribunal has stayed the order pending appeal;

28 (e) There is a defense under the law of this state to the remedy sought;

29 (f) Full or partial payment has been made;

30 (g) The statute of limitation under section 49 of this 2015 Act precludes enforcement of
31 some or all of the alleged arrearages; or

32 (h) The alleged controlling order is not the controlling order.

33 (2) If a party presents evidence establishing a full or partial defense under subsection (1)
34 of this section, a tribunal may stay enforcement of a registered support order, continue the
35 proceeding to permit production of additional relevant evidence and issue other appropriate
36 orders. An uncontested portion of the registered support order may be enforced by all rem-
37 edies available under the law of this state.

38 (3) If the contesting party does not establish a defense under subsection (1) of this sec-
39 tion to the validity or enforcement of a registered support order, the registering tribunal
40 shall issue an order confirming the order.

41 **SECTION 53.** Confirmation of a registered support order, whether by operation of law or
42 after notice and hearing, precludes further contest of the order with respect to any matter
43 that could have been asserted at the time of registration.

44

45

(Part 3. Registration and Modification

of Child Support Order of Another State)

SECTION 54. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this state in the same manner provided in sections 46 to 53 of this 2015 Act if the order has not been registered. A petition for modification may be filed at the same time as a request for registration or later. The pleading must specify the grounds for modification.

SECTION 55. A tribunal of this state may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of this state, but the registered support order may be modified only if the requirements of section 56 or 58 of this 2015 Act have been met.

SECTION 56. (1) If section 58 of this 2015 Act does not apply, upon petition a tribunal of this state may modify a child support order issued in another state that is registered in this state if, after notice and hearing, the tribunal finds that:

(a) The following requirements are met:

(A) Neither the child, nor the obligee who is an individual nor the obligor resides in the issuing state;

(B) A petitioner who is a nonresident of this state seeks modification; and

(C) The respondent is subject to the personal jurisdiction of the tribunal of this state;

or

(b) This state is the residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of this state, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction.

(2) Modification of a registered child support order is subject to the same requirements, procedures and defenses that apply to the modification of an order issued by a tribunal of this state, and the order may be enforced and satisfied in the same manner.

(3) A tribunal of this state may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under section 13 of this 2015 Act establishes the aspects of the support order which are nonmodifiable.

(4) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

(5) On the issuance of an order by a tribunal of this state modifying a child support order issued in another state, the tribunal of this state becomes the tribunal having continuing, exclusive jurisdiction.

(6) Notwithstanding subsections (1) to (5) of this section and section 7 (2) of this 2015 Act, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if:

(a) One party resides in another state; and

(b) The other party resides outside the United States.

SECTION 57. If a child support order issued by a tribunal of this state is modified by a

1 tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate
 2 Family Support Act, a tribunal of this state:

3 (1) May enforce its order that was modified only as to arrears and interest accruing be-
 4 fore the modification;

5 (2) May provide appropriate relief for violations of its order that occurred before the ef-
 6 fective date of the modification; and

7 (3) Shall recognize the modifying order of the other state upon registration for the pur-
 8 pose of enforcement.

9 **SECTION 58.** (1) If all of the parties who are individuals reside in this state and the child
 10 does not reside in the issuing state, a tribunal of this state has jurisdiction to enforce and
 11 to modify the issuing state’s child support order in a proceeding to register that order.

12 (2) A tribunal of this state exercising jurisdiction under this section shall apply the pro-
 13 visions of sections 2 to 6 of this 2015 Act, sections 7 to 17 of this 2015 Act, sections 46 to 61
 14 of this 2015 Act and the procedural and substantive law of this state to the proceeding for
 15 enforcement or modification. Sections 18 to 36 of this 2015 Act, sections 37 and 38 of this 2015
 16 Act, sections 39 to 45 of this 2015 Act, sections 62 to 74 of this 2015 Act and sections 75 and
 17 76 of this 2015 Act do not apply.

18 **SECTION 59.** Within 30 days after issuance of a modified child support order, the party
 19 obtaining the modification shall file a certified copy of the order with the issuing tribunal
 20 that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in
 21 which the party knows the earlier order has been registered. A party who obtains the order
 22 and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the
 23 issue of failure to file arises. The failure to file does not affect the validity or enforceability
 24 of the modified order of the new tribunal having continuing, exclusive jurisdiction.

25
 26 (Part 4. Registration and Modification
 27 of Foreign Child Support Order)
 28

29 **SECTION 60.** (1) Except as otherwise provided in section 72 of this 2015 Act, if a foreign
 30 country lacks or refuses to exercise jurisdiction to modify its child support order pursuant
 31 to its laws, a tribunal of this state may assume jurisdiction to modify the child support order
 32 and bind all individuals subject to the personal jurisdiction of the tribunal whether the con-
 33 sent to modification of a child support order otherwise required of the individual pursuant
 34 to section 56 of this 2015 Act has been given or whether the individual seeking modification
 35 is a resident of this state or of the foreign country.

36 (2) An order issued by a tribunal of this state modifying a foreign child support order
 37 pursuant to this section is the controlling order.

38 **SECTION 61.** A party or support enforcement agency seeking to modify, or to modify and
 39 enforce, a foreign child support order not under the Convention may register that order in
 40 this state under sections 46 to 53 of this 2015 Act if the order has not been registered. A
 41 petition for modification may be filed at the same time as a request for registration or at
 42 another time. The petition must specify the grounds for modification.

43
 44 **ARTICLE 7**
 45 (Support Proceeding Under Convention)

1 **SECTION 62.** As used in sections 62 to 74 of this 2015 Act:

2 (1) “Application” means a request under the Convention by an obligee or obligor, or on
3 behalf of a child, made through a central authority for assistance from another central au-
4 thority.

5 (2) “Central authority” means the entity designated by the United States or a foreign
6 country described in section 3 (5)(d) of this 2015 Act to perform the functions specified in the
7 Convention.

8 (3) “Convention support order” means a support order of a tribunal of a foreign country
9 described in section 3 (5)(d) of this 2015 Act.

10 (4) “Direct request” means a petition filed by an individual in a tribunal of this state in
11 a proceeding involving an obligee, obligor or child residing outside the United States.

12 (5) “Foreign support agreement” means:

13 (a) An agreement for support in a record that:

14 (A) Is enforceable as a support order in the country of origin;

15 (B) Has been:

16 (i) Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

17 (ii) Authenticated by, or concluded, registered or filed with a foreign tribunal; and

18 (C) May be reviewed and modified by a foreign tribunal; and

19 (b) A maintenance arrangement or authentic instrument under the Convention.

20 (6) “United States central authority” means the Secretary of the United States Depart-
21 ment of Health and Human Services.

22 **SECTION 63.** Sections 62 to 74 of this 2015 Act apply only to a support proceeding under
23 the Convention. In such a proceeding, if a provision of sections 62 to 74 of this 2015 Act is
24 inconsistent with sections 2 to 61 of this 2015 Act, sections 62 to 74 of this 2015 Act control.

25 **SECTION 64.** The governmental entity of this state is recognized as the agency desig-
26 nated by the United States central authority to perform specific functions under the Con-
27 vention.

28 **SECTION 65.** (1) In a support proceeding under sections 62 to 74 of this 2015 Act, the
29 governmental entity of this state shall:

30 (a) Transmit and receive applications; and

31 (b) Initiate or facilitate the institution of a proceeding regarding an application in a
32 tribunal of this state.

33 (2) The following support proceedings are available to an obligee under the Convention:

34 (a) Recognition or recognition and enforcement of a foreign support order;

35 (b) Enforcement of a support order issued or recognized in this state;

36 (c) Establishment of a support order if there is no existing order, including, if necessary,
37 determination of parentage of a child;

38 (d) Establishment of a support order if recognition of a foreign support order is refused
39 under section 69 (2)(b), (d) or (i) of this 2015 Act;

40 (e) Modification of a support order of a tribunal of this state; and

41 (f) Modification of a support order of a tribunal of another state or a foreign country.

42 (3) The following support proceedings are available under the Convention to an obligor
43 against whom there is an existing support order:

44 (a) Recognition of an order suspending or limiting enforcement of an existing support
45 order of a tribunal of this state;

1 (b) Modification of a support order of a tribunal of this state; and

2 (c) Modification of a support order of a tribunal of another state or a foreign country.

3 (4) A tribunal of this state may not require security, bond or deposit, however described,
4 to guarantee the payment of costs and expenses in proceedings under the Convention.

5 **SECTION 66.** (1) A petitioner may file a direct request seeking establishment or modifi-
6 cation of a support order or determination of parentage of a child. In the proceeding, the law
7 of this state applies.

8 (2) A petitioner may file a direct request seeking recognition and enforcement of a sup-
9 port order or support agreement. In the proceeding, sections 67 to 74 of this 2015 Act apply.

10 (3) In a direct request for recognition and enforcement of a Convention support order
11 or foreign support agreement:

12 (a) A security, bond or deposit is not required to guarantee the payment of costs and
13 expenses; and

14 (b) An obligee or obligor that in the issuing country has benefited from free legal as-
15 sistance is entitled to benefit, at least to the same extent, from any free legal assistance
16 provided for by the law of this state under the same circumstances.

17 (4) A petitioner filing a direct request is not entitled to assistance from the governmental
18 entity.

19 (5) Sections 62 to 74 of this 2015 Act do not prevent the application of laws of this state
20 that provide simplified, more expeditious rules regarding a direct request for recognition and
21 enforcement of a foreign support order or foreign support agreement.

22 **SECTION 67.** (1) Except as otherwise provided in sections 62 to 74 of this 2015 Act, a
23 party who is an individual or a support enforcement agency seeking recognition of a Con-
24 vention support order shall register the order in this state as provided in sections 46 to 61
25 of this 2015 Act.

26 (2) Notwithstanding sections 28 and 47 (1) of this 2015 Act, a request for registration of
27 a Convention support order must be accompanied by:

28 (a) A complete text of the support order or an abstract or extract of the support order
29 drawn up by the issuing foreign tribunal, which may be in the form recommended by the
30 Hague Conference on Private International Law;

31 (b) A record stating that the support order is enforceable in the issuing country;

32 (c) If the respondent did not appear and was not represented in the proceedings in the
33 issuing country, a record attesting, as appropriate, either that the respondent had proper
34 notice of the proceedings and an opportunity to be heard or that the respondent had proper
35 notice of the support order and an opportunity to be heard in a challenge or appeal on fact
36 or law before a tribunal;

37 (d) A record showing the amount of arrears, if any, and the date the amount was calcu-
38 lated;

39 (e) A record showing a requirement for automatic adjustment of the amount of support,
40 if any, and the information necessary to make the appropriate calculations; and

41 (f) If necessary, a record showing the extent to which the applicant received free legal
42 assistance in the issuing country.

43 (3) A request for registration of a Convention support order may seek recognition and
44 partial enforcement of the order.

45 (4) A tribunal of this state may vacate the registration of a Convention support order

1 without the filing of a contest under section 68 of this 2015 Act only if, acting on its own
2 motion, the tribunal finds that recognition and enforcement of the order would be manifestly
3 incompatible with public policy.

4 (5) The tribunal shall promptly notify the parties of the registration or the order vacating
5 the registration of a Convention support order.

6 **SECTION 68.** (1) Except as otherwise provided in sections 62 to 74 of this 2015 Act,
7 sections 50 to 53 of this 2015 Act apply to a contest of a registered Convention support order.

8 (2) A party contesting a registered Convention support order shall file a contest not later
9 than 30 days after notice of the registration, but if the contesting party does not reside in
10 the United States, the contest must be filed not later than 60 days after notice of the regis-
11 tration.

12 (3) If the nonregistering party fails to contest the registered Convention support order
13 by the time specified in subsection (2) of this section, the order is enforceable.

14 (4) A contest of a registered Convention support order may be based only on grounds set
15 forth in section 69 of this 2015 Act. The contesting party bears the burden of proof.

16 (5) In a contest of a registered Convention support order, a tribunal of this state:

17 (a) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction;
18 and

19 (b) May not review the merits of the order.

20 (6) A tribunal of this state deciding a contest of a registered Convention support order
21 shall promptly notify the parties of its decision.

22 (7) A challenge or appeal, if any, does not stay the enforcement of a Convention support
23 order unless there are exceptional circumstances.

24 **SECTION 69.** (1) Except as otherwise provided in subsection (2) of this section, a tribunal
25 of this state shall recognize and enforce a registered Convention support order.

26 (2) The following grounds are the only grounds on which a tribunal of this state may
27 refuse recognition and enforcement of a registered Convention support order:

28 (a) Recognition and enforcement of the order is manifestly incompatible with public pol-
29 icy, including the failure of the issuing tribunal to observe minimum standards of due pro-
30 cess, which include notice and an opportunity to be heard;

31 (b) The issuing tribunal lacked personal jurisdiction consistent with section 7 of this 2015
32 Act;

33 (c) The order is not enforceable in the issuing country;

34 (d) The order was obtained by fraud in connection with a matter of procedure;

35 (e) A record transmitted in accordance with section 67 of this 2015 Act lacks authenticity
36 or integrity;

37 (f) A proceeding between the same parties and having the same purpose is pending before
38 a tribunal of this state and that proceeding was the first to be filed;

39 (g) The order is incompatible with a more recent support order involving the same par-
40 ties and having the same purpose, if the more recent support order is entitled to recognition
41 and enforcement under this chapter in this state;

42 (h) Payment, to the extent alleged arrears have been paid in whole or in part;

43 (i) In a case in which the respondent neither appeared nor was represented in the pro-
44 ceeding in the issuing foreign country:

45 (A) If the law of that country provides for prior notice of proceedings, the respondent

1 did not have proper notice of the proceedings and an opportunity to be heard; or

2 (B) If the law of that country does not provide for prior notice of the proceedings, the
3 respondent did not have proper notice of the order and an opportunity to be heard in a
4 challenge or appeal on fact or law before a tribunal; or

5 (j) The order was made in violation of section 72 of this 2015 Act.

6 (3) If a tribunal of this state does not recognize a Convention support order under sub-
7 section (2)(b), (d) or (i) of this section:

8 (a) The tribunal may not dismiss the proceeding without allowing a reasonable time for
9 a party to request the establishment of a new Convention support order; and

10 (b) The governmental entity shall take all appropriate measures to request a child sup-
11 port order for the obligee if the application for recognition and enforcement was received
12 under section 65 of this 2015 Act.

13 **SECTION 70.** If a tribunal of this state does not recognize and enforce a Convention
14 support order in its entirety, the tribunal shall enforce any severable part of the order. An
15 application or direct request may seek recognition and partial enforcement of a Convention
16 support order.

17 **SECTION 71.** (1) Except as otherwise provided in subsections (3) and (4) of this section,
18 a tribunal of this state shall recognize and enforce a foreign support agreement registered
19 in this state.

20 (2) An application or direct request for recognition and enforcement of a foreign support
21 agreement must be accompanied by:

22 (a) A complete text of the foreign support agreement; and

23 (b) A record stating that the foreign support agreement is enforceable as an order of
24 support in the issuing country.

25 (3) A tribunal of this state may vacate the registration of a foreign support agreement
26 only if, acting on its own motion, the tribunal finds that recognition and enforcement would
27 be manifestly incompatible with public policy.

28 (4) In a contest of a foreign support agreement, a tribunal of this state may refuse re-
29 cognition and enforcement of the agreement if it finds:

30 (a) Recognition and enforcement of the agreement is manifestly incompatible with public
31 policy;

32 (b) The agreement was obtained by fraud or falsification;

33 (c) The agreement is incompatible with a support order involving the same parties and
34 having the same purpose in this state, another state or a foreign country if the support order
35 is entitled to recognition and enforcement under this chapter in this state; or

36 (d) The record submitted under subsection (2) of this section lacks authenticity or in-
37 tegrity.

38 (5) A proceeding for recognition and enforcement of a foreign support agreement must
39 be suspended during the pendency of a challenge to or appeal of the agreement before a
40 tribunal of another state or a foreign country.

41 **SECTION 72.** (1) A tribunal of this state may not modify a Convention child support order
42 if the obligee remains a resident of the foreign country where the support order was issued
43 unless:

44 (a) The obligee submits to the jurisdiction of a tribunal of this state, either expressly or
45 by defending on the merits of the case without objecting to the jurisdiction at the first

1 available opportunity; or

2 (b) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support
3 order or issue a new support order.

4 (2) If a tribunal of this state does not modify a Convention child support order because
5 the order is not recognized in this state, section 69 (3) of this 2015 Act applies.

6 **SECTION 73.** Personal information gathered or transmitted under sections 62 to 74 of
7 this 2015 Act may be used only for the purposes for which it was gathered or transmitted.

8 **SECTION 74.** A record filed with a tribunal of this state under sections 62 to 74 of this
9 2015 Act must be in the original language and, if not in English, must be accompanied by an
10 English translation.

11
12 **ARTICLE 8**
13 **(Interstate Rendition)**
14

15 **SECTION 75.** (1) For purposes of this section and section 76 of this 2015 Act,
16 “governor” includes an individual performing the functions of governor or the executive au-
17 thority of a state covered by this chapter.

18 (2) The Governor of this state may:

19 (a) Demand that the governor of another state surrender an individual found in the other
20 state who is charged criminally in this state with having failed to provide for the support of
21 an obligee; or

22 (b) On the demand of the governor of another state, surrender an individual found in this
23 state who is charged criminally in the other state with having failed to provide for the sup-
24 port of an obligee.

25 (3) A provision for extradition of individuals not inconsistent with this chapter applies
26 to the demand even if the individual whose surrender is demanded was not in the demanding
27 state when the crime was allegedly committed and has not fled therefrom.

28 **SECTION 76.** (1) Before making a demand that the governor of another state surrender
29 an individual charged criminally in this state with having failed to provide for the support
30 of an obligee, the Governor of this state may require a prosecutor of this state to demon-
31 strate that at least 60 days previously the obligee had initiated proceedings for support pur-
32 suant to this chapter or that the proceeding would be of no avail.

33 (2) If, under this chapter or a law substantially similar to this chapter, the governor of
34 another state makes a demand that the Governor of this state surrender an individual
35 charged criminally in that state with having failed to provide for the support of a child or
36 other individual to whom a duty of support is owed, the Governor of this state may require
37 a prosecutor to investigate the demand and report whether a proceeding for support has
38 been initiated or would be effective. If it appears that a proceeding would be effective but
39 has not been initiated, the Governor of this state may delay honoring the demand for a
40 reasonable time to permit the initiation of a proceeding.

41 (3) If a proceeding for support has been initiated and the individual whose rendition is
42 demanded prevails, the Governor of this state may decline to honor the demand. If the
43 petitioner prevails and the individual whose rendition is demanded is subject to a support
44 order, the Governor of this state may decline to honor the demand if the individual is com-
45 plying with the support order.

ARTICLE 9
(Miscellaneous Provisions)

SECTION 77. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 78. This chapter applies to proceedings begun on or after the effective date of this chapter to establish a support order or determine parentage of a child or to register, recognize, enforce or modify a prior support order, determination or agreement, whenever issued or entered.

SECTION 79. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

REPEAL OF EXISTING LAW

SECTION 80. ORS 110.303, 110.304, 110.305, 110.318, 110.321, 110.324, 110.327, 110.330, 110.333, 110.336, 110.339, 110.342, 110.345, 110.348, 110.349, 110.351, 110.357, 110.360, 110.363, 110.366, 110.369, 110.372, 110.375, 110.378, 110.379, 110.381, 110.384, 110.387, 110.390, 110.391, 110.392, 110.394, 110.395, 110.397, 110.398, 110.400, 110.401, 110.402, 110.405, 110.408, 110.411, 110.414, 110.417, 110.420, 110.423, 110.426, 110.429, 110.432, 110.435, 110.436, 110.437, 110.438, 110.440, 110.443, 110.446, 110.449 and 110.452 are repealed.

CONFORMING AMENDMENTS

SECTION 81. ORS 18.038 is amended to read:

18.038. (1) A judgment document must be plainly titled as a judgment.

(2) The title of a judgment document must indicate whether the judgment is a limited judgment, a general judgment or a supplemental judgment. This subsection does not apply to:

- (a) Justice courts, municipal courts and county courts performing judicial functions.
- (b) Judgments in criminal actions.
- (c) Judgments in juvenile proceedings under ORS chapters 419A, 419B and 419C.

(3) A judgment document must be separate from any other document in the action. The judgment document may have attached affidavits, certificates, motions, stipulations and exhibits as necessary or proper in support of the judgment.

(4) A judgment document must include:

- (a) The name of the court rendering the judgment and the file number or other identifier used by the court for the action or actions decided by the judgment;
- (b) The names of any parties in whose favor the judgment is given and the names of any parties against whom the judgment is given; and
- (c) The signature of the judge rendering the judgment, or the signature of the court administrator if the court administrator is authorized by law to sign the judgment document, and the date the judgment document is signed.

(5) This section does not apply to any foreign judgment filed with a court under ORS 24.115 or

1 [110.405] sections 46 to 49 of this 2015 Act.

2 **SECTION 82.** ORS 18.042 is amended to read:

3 18.042. (1) The judgment document for a judgment in a civil action that includes a money award
4 must contain a separate section clearly labeled as a money award. Any judgment in a civil action
5 that includes a money award, but does not contain a separate section clearly labeled as a money
6 award, does not create a judgment lien but may be enforced by any other judgment remedy.

7 (2) The separate section required by subsection (1) of this section must include all of the fol-
8 lowing:

9 (a) The name and address of each judgment creditor and the name, address and telephone num-
10 ber of any attorney who represents one or more of the judgment creditors.

11 (b) The name of each judgment debtor and, to the extent known by the judgment creditor:

12 (A) The address of each judgment debtor;

13 (B) The year of birth of each judgment debtor;

14 (C) The tax identification number of each judgment debtor, or the final four digits of the Social
15 Security number of each judgment debtor;

16 (D) The final four digits of the driver license number of each judgment debtor and the name of
17 the state that issued the license; and

18 (E) The name of any attorney for each judgment debtor.

19 (c) The name of any person or public body, as defined in ORS 174.109, other than the judgment
20 creditor's attorney, that is known by the judgment creditor to be entitled to any portion of the
21 money award.

22 (d) The amount of money awarded in the judgment, exclusive of amounts required to be included
23 in the separate section under paragraphs (e) to (h) of this subsection.

24 (e) Any interest owed as of the date the judgment is entered in the register, either as a specific
25 amount or as accrual information, including the rate or rates of interest, the balance or balances
26 upon which interest accrues, the date or dates from which interest at each rate on each balance
27 runs, and whether interest is simple or compounded and, if compounded, at what intervals.

28 (f) Information about interest that accrues on the judgment after entry in the register, including
29 the rate or rates of interest, the balance or balances upon which interest accrues, the date or dates
30 from which interest at each rate on each balance runs, and whether interest is simple or com-
31 pounded and, if compounded, at what intervals.

32 (g) For monetary obligations that are payable on a periodic basis, any accrued arrearages, re-
33 quired further payments per period and payment dates.

34 (h) If the judgment requires the payment of costs and disbursements or attorney fees, a state-
35 ment indicating that the award is made, any specific amounts awarded, a clear identification of the
36 specific requests for relief for which any attorney fees are awarded and the amount of attorney fees
37 awarded for each request for relief.

38 (3) The information required by subsection (2) of this section must be set forth in the money
39 award section of the judgment document in the same order as the requirements appear in subsection
40 (2) of this section.

41 (4) The separate section required by subsection (1) of this section must be placed immediately
42 above the judge's or court administrator's signature. The separate section must be clearly labeled
43 at its beginning as a money award. If the judgment includes a support award, the label of the sep-
44 arate section must so indicate. Except for information described in ORS 24.290, the separate section
45 of the judgment document may not contain any provision except the information required by this

1 section.

2 (5) The provisions of this section do not apply to foreign judgments that are filed with a court
3 under ORS 24.115 or [110.405] **sections 46 to 49 of this 2015 Act**. If a foreign judgment is filed with
4 the court under ORS 24.115, the separate statement required by ORS 24.125 must be filed with the
5 foreign judgment.

6 **SECTION 83.** ORS 18.158 is amended to read:

7 18.158. (1) At any time after a judgment for unpaid child support or unpaid spousal support be-
8 comes effective in another state and before the expiration or satisfaction of that judgment under the
9 other state's law, a judgment creditor under the judgment may record a certified copy of the judg-
10 ment or a lien record abstract for the judgment in the County Clerk Lien Record for any county in
11 this state.

12 (2) If a judgment of another state described in subsection (1) of this section is extended or re-
13 newed under the laws of the state that rendered the judgment, a judgment creditor under the judg-
14 ment may record a certified copy of the extension or renewal in the County Clerk Lien Record for
15 any county in this state or may record a lien record abstract for extension or renewal in the County
16 Clerk Lien Record for any county in this state.

17 (3) Upon recording a judgment, lien record abstract, extension or renewal under this section, the
18 judgment creates a judgment lien as described in ORS 18.152 (3).

19 (4) When the judgment expires in the state in which the judgment was originally entered, the
20 judgment lien and any support arrearage lien created under this section expire in every county in
21 which the judgment has been recorded under this section.

22 (5) Liens arising by operation of law in another state against real property for amounts of
23 overdue payments under a support order, as defined in [ORS 110.303] **section 3 of this 2015 Act**,
24 shall be accorded full faith and credit if the state agency, party or other entity seeking to enforce
25 the lien follows the applicable procedures for recording and service of notice of claim of lien as
26 required by this section. A state agency, party or other entity may not file an action to enforce a
27 lien described in this section until the underlying judgment has been filed in Oregon as provided in
28 ORS chapter 110.

29 (6) This section does not apply to justice courts, municipal courts or county courts performing
30 judicial functions.

31 **SECTION 84.** ORS 18.252 is amended to read:

32 18.252. (1) Except as provided in this section, and subject to the terms of the judgment, a judg-
33 ment may be enforced by execution upon entry of the judgment. The ability to enforce a judgment
34 by execution expires as provided in ORS 18.180 to 18.192.

35 (2) Any portion of a money award that by the terms of the judgment is to be paid on some date
36 after the date that the judgment is entered may be enforced by execution when payment becomes
37 due under the terms of the money award and is not paid.

38 (3) Except as provided in ORS 18.255 or by other law, a judgment may be enforced only by the
39 court in which the judgment is entered or, if the judgment is a foreign judgment, the court in which
40 the judgment is first filed under ORS 24.115 or [110.405] **sections 46 to 49 of this 2015 Act**.

41 (4) Nothing in ORS 18.252 to 18.993 affects the ability of a judgment creditor to enforce a
42 judgment by means other than execution.

43 **SECTION 85.** ORS 25.010 is amended to read:

44 25.010. As used in ORS chapters 25, 107, 109 and 416 and any other statutes providing for sup-
45 port payments or support enforcement procedures, unless the context requires otherwise:

1 (1) “Administrator” means either the Administrator of the Division of Child Support of the De-
 2 partment of Justice or a district attorney, or the administrator’s or a district attorney’s authorized
 3 representative.

4 (2) “Child” has the meaning given that term in [ORS 110.303] **section 3 of this 2015 Act.**

5 (3) “Child support rights” means the right to establish or enforce an obligation imposed or
 6 imposable by law to provide support, including but not limited to medical support as defined in ORS
 7 25.321 and an unsatisfied obligation to provide support.

8 (4) “Department” means the Department of Justice.

9 (5) “Disposable income” means that part of the income of an individual remaining after the de-
 10 duction from the income of any amounts required to be withheld by law except laws enforcing
 11 spousal or child support and any amounts withheld to pay medical or dental insurance premiums.

12 (6) “Employer” means any entity or individual who engages an individual to perform work or
 13 services for which compensation is given in periodic payments or otherwise.

14 (7) “Income” is any monetary obligation in excess of \$4.99 after the fee described in ORS 25.414
 15 (6) has been deducted that is in the possession of a third party owed to an obligor and includes but
 16 is not limited to:

17 (a) Compensation paid or payable for personal services whether denominated as wages, salary,
 18 commission, bonus or otherwise;

19 (b) Periodic payments pursuant to a pension or retirement program;

20 (c) Cash dividends arising from stocks, bonds or mutual funds;

21 (d) Interest payments;

22 (e) Periodic payments from a trust account;

23 (f) Any program or contract to provide substitute wages during times of unemployment or disa-
 24 bility;

25 (g) Any payment pursuant to ORS chapter 657; or

26 (h) Amounts payable to independent contractors.

27 (8) “Obligee” has the meaning given that term in [ORS 110.303] **section 3 of this 2015 Act.**

28 (9) “Obligor” has the meaning given that term in [ORS 110.303] **section 3 of this 2015 Act.**

29 (10) “Order to withhold” means an order or other legal process that requires a withholder to
 30 withhold support from the income of an obligor.

31 (11) “Public assistance” has the meaning given that term in ORS 416.400.

32 (12) “Withholder” means any person who disburses income and includes but is not limited to an
 33 employer, conservator, trustee or insurer of the obligor.

34 **SECTION 86.** ORS 25.287 is amended to read:

35 25.287. (1)(a) The entity providing support enforcement services under ORS 25.080 may initiate
 36 proceedings to modify a support obligation to ensure that the support obligation is in accordance
 37 with the formula established under ORS 25.275.

38 (b) Proceedings under this subsection may occur only after three years have elapsed, or such
 39 shorter cycle as determined by rule of the Department of Justice, from the later of the following:

40 (A) The date the original support obligation took effect;

41 (B) The date any previous modification of the support obligation took effect; or

42 (C) The date of any previous review and determination under this subsection that resulted in
 43 no modification of the support obligation.

44 (c) For purposes of paragraph (b) of this subsection, a support obligation or modification takes
 45 effect on the first date on which the obligor is to pay the established or modified support amount.

1 (d) The only issues at proceedings under this subsection are whether three years have elapsed,
2 or such shorter cycle as determined by rule of the department, and whether the support obligation
3 is in substantial compliance with the formula established under ORS 25.275.

4 (e) Upon review, if the administrator determines that a support obligation does not qualify for
5 modification under this section, a party may object to the determination within 30 days after the
6 date of the determination. A hearing on the objection shall be conducted by an administrative law
7 judge assigned from the Office of Administrative Hearings. Appeal of the order of the administrative
8 law judge may be taken to the circuit court of the county in which the support obligation has been
9 entered or registered for a hearing de novo. The appeal to the court shall be by petition for review
10 filed within 60 days after entry of the order of the administrative law judge.

11 (f) If the court, the administrator or the administrative law judge finds that more than three
12 years have elapsed, or such shorter cycle as determined by rule of the department, the court, the
13 administrator or the administrative law judge shall modify the support order to bring the support
14 obligation into substantial compliance with the formula established under ORS 25.275, regardless of
15 whether there has been a substantial change in circumstances since the support obligation was last
16 established, modified or reviewed. Proceedings by the administrator or administrative law judge
17 under this subsection shall be conducted according to the provisions of ORS 416.425 and 416.427.

18 (g) The provisions of this subsection apply to any support obligation established by a support
19 order under this chapter or ORS chapter 107, 108, 109, 110 or 416 or ORS 419B.400 or 419C.590.

20 (2) The entity providing support enforcement services shall state in the document initiating the
21 proceeding, to the extent known:

22 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
23 ceeding involving the child, including a proceeding brought under ORS 107.085, 107.135, 107.431,
24 108.110, 109.100, 109.103, 109.165, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter
25 110; and

26 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
27 [ORS 110.303] **section 3 of this 2015 Act**, involving the child, other than the support obligation the
28 entity seeks to modify.

29 (3) The entity providing support enforcement services shall include with the document initiating
30 the proceeding a certificate regarding any pending support proceeding and any existing support or-
31 der other than the support obligation the entity seeks to modify. The entity providing support
32 enforcement services shall use a certificate that is in a form prescribed by the administrator and
33 shall include information required by the administrator and subsection (2) of this section.

34 (4) The administrator, court or administrative law judge may use the provisions of subsection
35 (1) of this section when a support order was entered in another state and registered in Oregon, the
36 provisions of ORS chapter 110 apply and more than three years have elapsed, or such shorter cycle
37 as determined by rule of the department.

38 (5) Notwithstanding the provisions of this section, proceedings may be initiated at any time to
39 modify a support obligation based upon a substantial change of circumstances under any other pro-
40 vision of law.

41 (6) The obligee is a party to any action to modify a support obligation under this section.

42 **SECTION 87.** ORS 25.405 is amended to read:

43 25.405. (1) An obligor contesting an order to withhold issued under ORS 25.378 must do so within
44 30 days from the date income is first withheld pursuant to the order to withhold. The obligor may
45 not contest an order to withhold issued under ORS 25.378 (5).

1 (2) The only basis for contesting the order to withhold is a mistake of fact. “Mistake of fact”
 2 means an error in the amount of current support or arrearages, or an error in the identity of the
 3 obligor. Payment of all arrearages shall not be the sole basis for not implementing withholding.

4 (3) If the order to withhold was issued by a court of this state, the obligor must contest the
 5 order to withhold in the court that issued the order.

6 (4) If the order to withhold was issued by a court or administrative agency of another state and
 7 was received directly by an employer in this state under [ORS 110.394] **section 39 of this 2015**
 8 **Act**, the obligor may contest the order to withhold by:

9 (a) Seeking relief from enforcement of the order in the appropriate tribunal of the state that
 10 issued the order;

11 (b) Contesting the validity and enforcement of the order under [ORS 110.401] **section 44 of this**
 12 **2015 Act**; or

13 (c) Registering the underlying withholding order in Oregon in the manner provided by [ORS
 14 110.405] **sections 46 to 49 of this 2015 Act** and seeking relief from enforcement of the order as
 15 provided in [ORS 110.417 and 110.420] **sections 51 and 52 of this 2015 Act**.

16 (5) If the order to withhold was issued pursuant to a request for enforcement under ORS 25.080,
 17 the obligor may contest the order to withhold to the district attorney or the Division of Child Sup-
 18 port. The district attorney or the Division of Child Support need not provide an opportunity for a
 19 contested case administrative hearing under ORS chapter 183 or a hearing in circuit court. Within
 20 45 days after the date income is first withheld pursuant to the order to withhold, the district at-
 21 torney or the Division of Child Support shall determine, based on an evaluation of the facts, if the
 22 withholding shall continue and notify the obligor of the determination and of the obligor’s right to
 23 appeal the determination.

24 (6) Any appeal of the decision of the district attorney or the Division of Child Support made
 25 under subsection (5) of this section is to the circuit court for a hearing under ORS 183.484.

26 (7) The initiation of proceedings to contest an order to withhold under subsection (4) of this
 27 section, a motion or request to contest an order to withhold or an appeal of the decision of the
 28 district attorney or the Division of Child Support made under subsection (5) of this section does not
 29 act to stay withholding unless otherwise ordered by a court.

30 **SECTION 88.** ORS 33.135 is amended to read:

31 33.135. (1) Except as provided in subsection (5) of this section, proceedings under ORS 33.055 to
 32 impose remedial sanctions for contempt and under ORS 33.065 to impose punitive sanctions for
 33 contempt shall be commenced within two years of the act or omission constituting the contempt.

34 (2) For the purposes of this section, a proceeding to impose remedial sanctions shall be deemed
 35 commenced as to each defendant when the motion provided for in ORS 33.055 is filed.

36 (3) Proceedings to impose punitive sanctions are subject to ORS 131.135, 131.145 and 131.155.

37 (4) The time limitations imposed by subsection (1) of this section shall not act to bar proceedings
 38 to impose sanctions for an act or omission that constitutes a continuing contempt at the time con-
 39 tempt proceedings are commenced. The willful failure of an obligor, as that term is defined in [ORS
 40 110.303] **section 3 of this 2015 Act**, to pay a support obligation after that obligation becomes a
 41 judgment is a contempt without regard to when the obligation became a judgment.

42 (5) Proceedings to impose remedial or punitive sanctions for failure to pay a support obligation
 43 by an obligor, as defined in [ORS 110.303] **section 3 of this 2015 Act**, shall be commenced within
 44 10 years of the act or omission constituting contempt.

45 **SECTION 89.** ORS 107.085 is amended to read:

1 107.085. (1) A suit for marital annulment, dissolution or separation shall be entitled: "IN THE
 2 MATTER OF THE MARRIAGE OF (names of parties): PETITION FOR (ultimate relief sought)." The
 3 moving party shall be designated as the "Petitioner" and the other party the "Respondent." Nothing
 4 in this section shall preclude both parties from acting as "Copetitioners."

5 (2) The petitioner shall state the following in the petition:

6 (a) The names and dates of birth of all of the children born or adopted during the marriage, and
 7 a reference to and expected date of birth of any children conceived during the marriage but not yet
 8 born;

9 (b) The names and dates of birth of all children born to the parties prior to the marriage;

10 (c) To the extent known:

11 (A) Whether there is pending in this state or any other jurisdiction a domestic relations suit,
 12 as defined in ORS 107.510;

13 (B) Whether there is pending in this state or any other jurisdiction any type of support pro-
 14 ceeding involving dependents of the same marriage, including one brought under this section or ORS
 15 108.110, 109.100, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

16 (C) Whether there exists in this state or any other jurisdiction a support order, as defined in
 17 [ORS 110.303] **section 3 of this 2015 Act**, involving dependents of the same marriage; and

18 (d) That the petitioner acknowledges that by filing the petition the petitioner is bound by the
 19 terms of the restraining order issued under ORS 107.093.

20 (3) The petitioner shall include with the petition a certificate regarding any pending support
 21 proceeding and any existing support order. The petitioner shall use a certificate that is in a form
 22 established by court rule and include information required by court rule and subsection (2)(c)(B) and
 23 (C) of this section.

24 (4) At or prior to the hearing of a suit for marital annulment, dissolution or separation, the
 25 moving party or the party attending the hearing shall file with the court a written statement setting
 26 forth the full names and any former names of the parties, the residence, mailing or contact addresses
 27 of the parties, the ages of both parties, the date and place of the marriage of the parties, and the
 28 names and ages of the children born to or adopted by the parties. This information shall be incor-
 29 porated in and made a part of the judgment.

30 (5) If real property is involved, the petitioner may have a notice of pendency of the action re-
 31 corded at the time the petition is filed, as provided in ORS 93.740.

32 (6) The Social Security numbers of the parties and of the children born or adopted during the
 33 marriage and children born to the parties prior to the marriage shall be provided as established in
 34 ORS 107.840.

35 **SECTION 90.** ORS 107.135 is amended to read:

36 107.135. (1) The court may at any time after a judgment of annulment or dissolution of marriage
 37 or of separation is granted, upon the motion of either party and after service of notice on the other
 38 party in the manner provided by ORCP 7, and after notice to the Division of Child Support when
 39 required under subsection (9) of this section:

40 (a) Set aside, alter or modify any portion of the judgment that provides for the appointment and
 41 duties of trustees, for the custody, parenting time, visitation, support and welfare of the minor
 42 children and the children attending school, as defined in ORS 107.108, including any health or life
 43 insurance provisions, for the support of a party or for life insurance under ORS 107.820 or 107.830;

44 (b) Make an order, after service of notice to the other party, providing for the future custody,
 45 support and welfare of minor children residing in the state, who, at the time the judgment was given,

1 were not residents of the state, or were unknown to the court or were erroneously omitted from the
2 judgment;

3 (c) Terminate a duty of support toward any minor child who has become self-supporting,
4 emancipated or married;

5 (d) After service of notice on the child in the manner provided by law for service of a summons,
6 suspend future support for any child who has ceased to be a child attending school as defined in
7 ORS 107.108; and

8 (e) Set aside, alter or modify any portion of the judgment that provides for a property award
9 based on the enhanced earning capacity of a party that was awarded before October 23, 1999. A
10 property award may be set aside, altered or modified under this paragraph:

11 (A) When the person with the enhanced earning capacity makes a good faith career change that
12 results in less income;

13 (B) When the income of the person with the enhanced earning capacity decreases due to cir-
14 cumstances beyond the person's control; or

15 (C) Under such other circumstances as the court deems just and proper.

16 (2) When a party moves to set aside, alter or modify the child support provisions of the judg-
17 ment:

18 (a) The party shall state in the motion, to the extent known:

19 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
20 ceeding involving children of the marriage, including one brought under ORS 25.287, 107.431,
21 109.100, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

22 (B) Whether there exists in this state or any other jurisdiction a support order, as defined in
23 [ORS 110.303] **section 3 of this 2015 Act**, involving children of the marriage, other than the judg-
24 ment the party is moving to set aside, alter or modify.

25 (b) The party shall include with the motion a certificate regarding any pending support pro-
26 ceeding and any existing support order other than the judgment the party is moving to set aside,
27 alter or modify. The party shall use a certificate that is in a form established by court rule and in-
28 clude information required by court rule and paragraph (a) of this subsection.

29 (3) In a proceeding under this section to reconsider the spousal or child support provisions of
30 the judgment, the following provisions apply:

31 (a) A substantial change in economic circumstances of a party, which may include, but is not
32 limited to, a substantial change in the cost of reasonable and necessary expenses to either party, is
33 sufficient for the court to reconsider its order of support, except that an order of compensatory
34 spousal support may only be modified upon a showing of an involuntary, extraordinary and unan-
35 ticipated change in circumstances that reduces the earning capacity of the paying spouse.

36 (b) If the judgment provided for a termination or reduction of spousal support at a designated
37 age in anticipation of the commencement of pension, Social Security or other entitlement payments,
38 and if the obligee is unable to obtain the anticipated entitlement payments, that inability is suffi-
39 cient change in circumstances for the court to reconsider its order of support.

40 (c) If Social Security is considered in lieu of spousal support or partial spousal support, the
41 court shall determine the amount of Social Security the party is eligible to collect. The court shall
42 take into consideration any pension, retirement or other funds available to either party to effect an
43 equitable distribution between the parties and shall also take into consideration any reduction of
44 entitlement caused by taking early retirement.

45 (4) In considering under this section whether a change in circumstances exists sufficient for the

1 court to reconsider spousal or child support provisions of a judgment, the following provisions apply:

2 (a) The court or administrator, as defined in ORS 25.010, shall consider income opportunities and
3 benefits of the respective parties from all sources, including but not limited to:

4 (A) The reasonable opportunity of each party, the obligor and obligee respectively, to acquire
5 future income and assets.

6 (B) Retirement benefits available to the obligor and to the obligee.

7 (C) Other benefits to which the obligor is entitled, such as travel benefits, recreational benefits
8 and medical benefits, contrasted with benefits to which the obligee is similarly entitled.

9 (D) Social Security benefits paid to a child, or to a representative payee administering the funds
10 for the child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

11 (i) Were not previously considered in the child support order; or

12 (ii) Were considered in an action initiated before May 12, 2003.

13 (E) Apportioned Veterans' benefits or Survivors' and Dependents' Educational Assistance under
14 38 U.S.C. chapter 35 paid to a child, or to a representative payee administering the funds for the
15 child's use and benefit, as a result of the obligor's disability or retirement if the benefits:

16 (i) Were not previously considered in the child support order; or

17 (ii) Were considered in an action initiated before May 12, 2003.

18 (b) If the motion for modification is one made by the obligor to reduce or terminate support, and
19 if the obligee opposes the motion, the court shall not find a change in circumstances sufficient for
20 reconsideration of support provisions, if the motion is based upon a reduction of the obligor's fi-
21 nancial status resulting from the obligor's taking voluntary retirement, partial voluntary retirement
22 or any other voluntary reduction of income or self-imposed curtailment of earning capacity, if it is
23 shown that such action of the obligor was not taken in good faith but was for the primary purpose
24 of avoiding the support obligation. In any subsequent motion for modification, the court shall deny
25 the motion if the sole basis of the motion for modification is the termination of voluntarily taken
26 retirement benefits and the obligor previously has been found not to have acted in good faith.

27 (c) The court shall consider the following factors in deciding whether the actions of the obligor
28 were not in "good faith":

29 (A) Timing of the voluntary retirement or other reduction in financial status to coincide with
30 court action in which the obligee seeks or is granted an increase in spousal support.

31 (B) Whether all or most of the income producing assets and property were awarded to the
32 obligor, and spousal support in lieu of such property was awarded to the obligee.

33 (C) Extent of the obligor's dissipation of funds and assets prior to the voluntary retirement or
34 soon after filing for the change of circumstances based on retirement.

35 (D) If earned income is reduced and absent dissipation of funds or large gifts, whether the
36 obligor has funds and assets from which the spousal support could have been paid.

37 (E) Whether the obligor has given gifts of substantial value to others, including a current
38 spouse, to the detriment of the obligor's ability to meet the preexisting obligation of spousal support.

39 (5) Upon terminating a duty of spousal support, a court shall make specific findings of the basis
40 for the termination and shall include the findings in the judgment.

41 (6) Any modification of child or spousal support granted because of a change of circumstances
42 may be ordered effective retroactive to the date the motion for modification was served or to any
43 date thereafter.

44 (7) The judgment is final as to any installment or payment of money that has accrued up to the
45 time the nonmoving party, other than the state, is served with a motion to set aside, alter or modify

1 the judgment. The court may not set aside, alter or modify any portion of the judgment that provides
2 for any payment of money, either for minor children or for the support of a party, that has accrued
3 before the motion is served. However:

4 (a) The court may allow a credit against child support arrearages for periods of time, excluding
5 reasonable parenting time unless otherwise provided by order or judgment, during which the obligor,
6 with the knowledge and consent of the obligee or pursuant to court order, has physical custody of
7 the child; and

8 (b) The court may allow, as provided in the rules of the Child Support Program, a dollar-for-
9 dollar credit against child support arrearages for any Social Security or Veterans' benefits paid
10 retroactively to the child, or to a representative payee administering the funds for the child's use
11 and benefit, as a result of an obligor's disability or retirement.

12 (8) In a proceeding under subsection (1) of this section, the court may assess against either party
13 a reasonable attorney fee and costs for the benefit of the other party. If a party is found to have
14 acted in bad faith, the court shall order that party to pay a reasonable attorney fee and costs of the
15 defending party.

16 (9) Whenever a motion to establish, modify or terminate child support or satisfy or alter support
17 arrearages is filed and the child support rights of one of the parties or of a child of both of the
18 parties have been assigned to the state, a true copy of the motion shall be served by mail or per-
19 sonal delivery on the Administrator of the Division of Child Support of the Department of Justice
20 or on the branch office providing support services to the county in which the motion is filed.

21 (10)(a) Except as provided in ORS 109.701 to 109.834, the courts of Oregon, having once acquired
22 personal and subject matter jurisdiction in a domestic relations action, retain such jurisdiction re-
23 gardless of any change of domicile.

24 (b) The courts of Oregon, in a proceeding to establish, enforce or modify a child support order,
25 shall recognize the provisions of the federal Full Faith and Credit for Child Support Orders Act (28
26 U.S.C. 1738B).

27 (11) In a proceeding under this section to reconsider provisions in a judgment relating to cus-
28 tody or parenting time, the court may consider repeated and unreasonable denial of, or interference
29 with, parenting time to be a substantial change of circumstances.

30 (12) In a proceeding under this section to reconsider provisions in a judgment relating to par-
31 enting time, the court may suspend or terminate a parent's parenting time with a child if the court
32 finds that the parent has abused a controlled substance and that the parenting time is not in the
33 best interests of the child. If a court has suspended or terminated a parent's parenting time with
34 a child for reasons described in this subsection, the court may not grant the parent future parenting
35 time until the parent has shown that the reasons for the suspension or termination are resolved and
36 that reinstated parenting time is in the best interests of the child. Nothing in this subsection limits
37 the court's authority under subsection (1)(a) of this section.

38 (13) In a proceeding under this section to reconsider provisions in a judgment relating to cus-
39 tody, temporary placement of the child by the custodial parent pursuant to ORS 109.056 (3) with the
40 noncustodial parent as a result of military deployment of the custodial parent is not, by itself, a
41 change of circumstances. Any fact relating to the child and the parties occurring subsequent to the
42 last custody judgment, other than the custodial parent's temporary placement of the child pursuant
43 to ORS 109.056 (3) with the noncustodial parent, may be considered by the court when making a
44 change of circumstances determination.

45 (14) Within 30 days after service of notice under subsection (1) of this section, the party served

1 shall file a written response with the court.

2 (15)(a) It is the policy of this state:

3 (A) To encourage the settlement of cases brought under this section; and

4 (B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection
5 to the fullest extent possible, except when to do so would violate the law or would clearly
6 contravene public policy.

7 (b) In a proceeding under subsection (1) of this section, the court may enforce the terms set
8 forth in a stipulated order or judgment signed by the parties, an order or judgment resulting from
9 a settlement on the record or an order or judgment incorporating a settlement agreement:

10 (A) As contract terms using contract remedies;

11 (B) By imposing any remedy available to enforce an order or judgment, including but not limited
12 to contempt; or

13 (C) By any combination of the provisions of subparagraphs (A) and (B) of this paragraph.

14 (c) A party may seek to enforce an agreement and obtain remedies described in paragraph (b)
15 of this subsection by filing a motion, serving notice on the other party in the manner provided by
16 ORCP 7 and, if a remedy under paragraph (b)(B) of this subsection is sought, complying with the
17 statutory requirements for that remedy. All claims for relief arising out of the same acts or omis-
18 sions must be joined in the same proceeding.

19 (d) Nothing in paragraph (b) or (c) of this subsection limits a party's ability, in a separate pro-
20 ceeding, to file a motion to modify an order or judgment under subsection (1) of this section or to
21 seek enforcement of an ancillary agreement to the order or judgment.

22 **SECTION 91.** ORS 107.431 is amended to read:

23 107.431. (1) At any time after a judgment of annulment or dissolution of a marriage or a sepa-
24 ration is granted, the court may set aside, alter or modify so much of the judgment relating to par-
25 enting time with a minor child as it deems just and proper or may terminate or modify that part of
26 the order or judgment requiring payment of money for the support of the minor child with whom
27 parenting time is being denied after:

28 (a) Motion to set aside, alter or modify is made by the parent having parenting time rights;

29 (b) Service of notice on the parent or other person having custody of the minor child is made
30 in the manner provided by law for service of a summons;

31 (c) Service of notice on the Administrator of the Division of Child Support of the Department
32 of Justice when the child support rights of one of the parties or of a child of both of the parties have
33 been assigned to the state. As an alternative to the service of notice on the administrator, service
34 may be made upon the branch office of the division which provides service to the county in which
35 the motion was filed. Service may be accomplished by personal delivery or first class mail; and

36 (d) A showing that the parent or other person having custody of the child or a person acting in
37 that parent or other person's behalf has interfered with or denied without good cause the exercise
38 of the parent's parenting time rights.

39 (2) When a party moves to set aside, alter or modify the child support provisions of the judg-
40 ment:

41 (a) The party shall state in the motion, to the extent known:

42 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
43 ceeding involving the child, including a proceeding brought under ORS 25.287, 107.135, 109.100,
44 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

45 (B) Whether there exists in this state or any other jurisdiction a support order, as defined in

1 [ORS 110.303] **section 3 of this 2015 Act**, involving the child, other than the judgment the party is
2 moving to set aside, alter or modify.

3 (b) The party shall include with the motion a certificate regarding any pending support pro-
4 ceeding and any existing support order other than the judgment the party is moving to set aside,
5 alter or modify. The party shall use a certificate that is in a form established by court rule and in-
6 clude information required by court rule and paragraph (a) of this subsection.

7 (3) The court may request the appearance of the administrator in any proceeding under this
8 section in which it finds that the child support rights of one of the parties or of a child of both of
9 the parties have been assigned to the state.

10 (4) This section does not apply when the child to whom a duty of support is owed is in another
11 state that has enacted the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody
12 Jurisdiction and Enforcement Act and a court in that state would have subject matter and personal
13 jurisdiction under that Act to determine custody and parenting time rights.

14 **SECTION 92.** ORS 108.110 is amended to read:

15 108.110. (1) Any married person may apply to the circuit court of the county in which the mar-
16 ried person resides or in which the spouse may be found for an order upon the spouse to provide
17 for support of the married person or for the support of minor children and children attending school,
18 or both, and, if the married person initiating the action for support is a woman who is pregnant, her
19 unborn child, or both, if her spouse is the natural father of such children, children attending school
20 or unborn child or if her spouse is the adoptive father of such children or children attending school.
21 The married person initiating the action for support may apply for the order by filing in such county
22 a petition setting forth the facts and circumstances upon which the married person relies for such
23 order. If satisfied that a just cause exists, the court shall direct that the married person's spouse
24 appear at a time set by the court to show cause why an order of support should not be entered in
25 the matter. The provisions of ORS 107.108 apply to an order entered under this section for the
26 support of a child attending school.

27 (2) As used in this section, "child attending school" has the meaning given that term in ORS
28 107.108.

29 (3) The petitioner shall state in the petition, to the extent known:

30 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
31 ceeding involving children of the marriage, including a proceeding brought under ORS 107.085,
32 109.100, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

33 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
34 [ORS 110.303] **section 3 of this 2015 Act**, involving children of the marriage.

35 (4) The petitioner shall include with the petition a certificate regarding any pending support
36 proceeding and any existing support order. The petitioner shall use a certificate that is in a form
37 established by court rule and include information required by court rule and subsection (3) of this
38 section.

39 (5) The provisions of this section apply equally to cases where it is the husband making appli-
40 cation for a support order.

41 (6) In any proceeding under this section, the obligee, as that person is defined in [ORS
42 110.303] **section 3 of this 2015 Act**, is a party to the proceeding.

43 **SECTION 93.** ORS 109.100 is amended to read:

44 109.100. (1) Any minor child or the administrator may, in accordance with ORCP 27 A, apply to
45 the circuit court in the county in which the child resides, or in which the natural or adoptive father

1 or mother of the child may be found, for an order upon the child's father or mother, or both, to
 2 provide for the child's support. The child or the administrator may apply for the order by filing in
 3 the county a petition setting forth the facts and circumstances relied upon for the order. If satisfied
 4 that a just cause exists, the court shall direct that the father or mother appear at a time set by the
 5 court to show cause why an order of support should not be entered in the matter.

6 (2) The petitioner shall state in the petition, to the extent known:

7 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 8 ceeding involving the minor child, including a proceeding brought under ORS 25.287, 107.085,
 9 107.135, 107.431, 108.110, 109.103, 109.165, 125.025, 416.400 to 416.465, 419B.400 or 419C.590 or ORS
 10 chapter 110; and

11 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 12 *[ORS 110.303]* **section 3 of this 2015 Act**, involving the minor child.

13 (3) The petitioner shall include with the petition a certificate regarding any pending support
 14 proceeding and any existing support order. The petitioner shall use a certificate that is in a form
 15 established by court rule and include information required by court rule and subsection (2) of this
 16 section.

17 (4) The judgment of a court under subsection (1) of this section is final as to any installment
 18 or payment of money that has accrued up to the time either party makes a motion to set aside, alter
 19 or modify the judgment, and the court may not set aside, alter or modify the judgment, or any por-
 20 tion thereof, that provides for any payment of money that has accrued prior to the filing of the
 21 motion.

22 (5) The provisions of ORS 108.120 apply to proceedings under subsection (1) of this section.

23 (6) In any proceeding under this section, both the child's physical and legal custodians are par-
 24 ties to the action.

25 **SECTION 94.** ORS 109.103 is amended to read:

26 109.103. (1) If a child is born to an unmarried woman and paternity has been established under
 27 ORS 109.070, or if a child is born to a married woman by a man other than her husband and the
 28 man's paternity has been established under ORS 109.070, either parent may initiate a civil proceed-
 29 ing to determine the custody or support of, or parenting time with, the child. The proceeding shall
 30 be brought in the circuit court of the county in which the child resides or is found or in the circuit
 31 court of the county in which either parent resides. The parents have the same rights and responsi-
 32 bilities regarding the custody and support of, and parenting time with, their child that married or
 33 divorced parents would have, and the provisions of ORS 107.094 to 107.449 that relate to custody,
 34 support and parenting time, the provisions of ORS 107.755 to 107.795 that relate to mediation pro-
 35 cedures, and the provisions of ORS 107.810, 107.820 and 107.830 that relate to life insurance, apply
 36 to the proceeding.

37 (2) A parent may initiate the proceeding by filing with the court a petition setting forth the facts
 38 and circumstances upon which the parent relies. The parent shall state in the petition, to the extent
 39 known:

40 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 41 ceeding involving the child, including one brought under ORS 109.100, 109.165, 125.025, 416.400 to
 42 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

43 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 44 *[ORS 110.303]* **section 3 of this 2015 Act**, involving the child.

45 (3) The parent shall include with the petition a certificate regarding any pending support pro-

1 ceeding and any existing support order. The parent shall use a certificate that is in a form estab-
 2 lished by court rule and include information required by court rule and subsection (2) of this section.

3 (4) When a parent initiates a proceeding under this section and the child support rights of one
 4 of the parents or of the child have been assigned to the state, the parent initiating the proceeding
 5 shall serve, by mail or personal delivery, a copy of the petition on the Administrator of the Division
 6 of Child Support or on the branch office providing support services to the county in which the suit
 7 is filed.

8 (5)(a) After a petition is filed under this section and upon service of summons and petition upon
 9 the respondent as provided in ORCP 7, a restraining order is issued and in effect against the
 10 petitioner and the respondent until a final judgment is issued, until the petition is dismissed or until
 11 further order of the court, restraining the petitioner and the respondent from:

12 (A) Canceling, modifying, terminating or allowing to lapse for nonpayment of premiums any
 13 policy of health insurance that one party maintains to provide coverage for the other party or a
 14 minor child of the parties, or any life insurance policy that names either of the parties or a minor
 15 child of the parties as a beneficiary; and

16 (B) Changing beneficiaries or covered parties under any policy of health insurance that one
 17 party maintains to provide coverage for a minor child of the parties, or any life insurance policy.

18 (b) Either party restrained under this subsection may apply to the court for further temporary
 19 orders, including modification or revocation of the restraining order issued under this subsection.

20 (c) The restraining order issued under this subsection shall include a notice that either party
 21 may request a hearing on the restraining order by filing a request for hearing with the court.

22 (d) A copy of the restraining order issued under this subsection must be attached to the sum-
 23 mons.

24 (e) A party who violates a term of a restraining order issued under this subsection is subject
 25 to imposition of remedial sanctions under ORS 33.055 based on the violation, but is not subject to:

26 (A) Criminal prosecution based on the violation; or

27 (B) Imposition of punitive sanctions under ORS 33.065 based on the violation.

28 **SECTION 95.** ORS 109.165 is amended to read:

29 109.165. (1) Upon motion of either party, the court may set aside, alter or modify any portion
 30 of the judgment that provides for the support of the minor child or child attending school, as defined
 31 in ORS 107.108. As to any installment or payment of money that has accrued up to the time the
 32 nonmoving party, other than the state, is served with a motion to set aside, alter or modify the
 33 judgment, the judgment is final and the court may not change it. However, the court may allow a
 34 credit against child support arrearages for periods of time, excluding reasonable parenting time un-
 35 less otherwise provided by order or judgment, during which the obligor, with the knowledge and
 36 consent of the obligee or pursuant to court order, has physical custody of the child. A child at-
 37 tending school is a party for purposes of this section.

38 (2) The moving party shall state in the motion, to the extent known:

39 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 40 ceeding involving the child, including a proceeding brought under ORS 25.287, 109.100, 125.025,
 41 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter 110; and

42 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 43 [ORS 110.303] **section 3 of this 2015 Act**, involving the child, other than the judgment the party is
 44 moving to set aside, alter or modify.

45 (3) The moving party shall include with the motion a certificate regarding any pending support

1 proceeding and any existing support order other than the judgment the party is moving to set aside,
2 alter or modify. The party shall use a certificate that is in a form established by court rule and in-
3 clude information required by court rule and subsection (2) of this section.

4 (4)(a) It is the policy of this state:

5 (A) To encourage the settlement of cases brought under this section; and

6 (B) For courts to enforce the terms of settlements described in paragraph (b) of this subsection
7 to the fullest extent possible, except when to do so would violate the law or would clearly
8 contravene public policy.

9 (b) In a proceeding under subsection (1) of this section, the court may enforce the terms set
10 forth in a stipulated order or judgment signed by the parties, an order or judgment resulting from
11 a settlement on the record or an order or judgment incorporating a settlement agreement:

12 (A) As contract terms using contract remedies;

13 (B) By imposing any remedy available to enforce an order or judgment, including but not limited
14 to contempt; or

15 (C) By any combination of the provisions of subparagraphs (A) and (B) of this paragraph.

16 (c) A party may seek to enforce an agreement and obtain remedies described in paragraph (b)
17 of this subsection by filing a motion, serving notice on the other party in the manner provided by
18 ORCP 7 and, if a remedy under paragraph (b)(B) of this subsection is sought, complying with the
19 statutory requirements for that remedy. All claims for relief arising out of the same acts or omis-
20 sions must be joined in the same proceeding.

21 (d) Nothing in paragraph (b) or (c) of this subsection limits a party's ability, in a separate pro-
22 ceeding, to file a motion to modify an order or judgment under subsection (1) of this section or to
23 seek enforcement of an ancillary agreement to the order or judgment.

24 **SECTION 96.** ORS 125.025, as amended by section 3, chapter 39, Oregon Laws 2014, is amended
25 to read:

26 125.025. (1) Subject to ORS 125.800 to 125.852 for adults as defined in ORS 125.802, a court
27 having jurisdiction over a protective proceeding shall exercise continuing authority over the pro-
28 ceeding. Subject to the provisions of ORS 125.800 to 125.852 and this chapter, the court may act
29 upon the petition or motion of any person or upon its own authority at any time and in any manner
30 it deems appropriate to determine the condition and welfare of the respondent or protected person
31 and to inquire into the proper performance of the duties of a fiduciary appointed under the pro-
32 visions of this chapter.

33 (2) A court having jurisdiction over a protective proceeding in which the respondent or pro-
34 tected person is a minor shall consider and apply all relevant provisions of the Indian Child Welfare
35 Act codified at 25 U.S.C. sections 1901 et seq.

36 (3) A court having jurisdiction over a protective proceeding may:

37 (a) Compel the attendance of any person, including respondents, protected persons, fiduciaries
38 and any other person who may have knowledge about the person or estate of a respondent or pro-
39 tected person. The court may require those persons to respond to inquiries and produce documents
40 that are subject to discovery under ORCP 36.

41 (b) Appoint counsel for a respondent or protected person.

42 (c) Appoint investigators, visitors and experts to aid the court in the court's investigation.

43 (d) Exercise jurisdiction over any transaction entered into by a fiduciary to determine if a con-
44 flict of interest existed and enter an appropriate judgment with respect to the transaction.

45 (e) Surcharge a surety for any loss caused by failure of a fiduciary to perform a fiduciary duty

1 or any other duty imposed by this chapter, including a surcharge for attorney fees incurred by a
2 respondent or protected person by reason of the failure.

3 (f) Require immediate delivery of a protected person or property of the protected person, in-
4 cluding records, accounts and documents relating to that property, to the court or to a place it
5 designates.

6 (g) Require the fiduciary to produce any and all records that might provide information about
7 the treatment or condition of the protected person or property of the protected person.

8 (h) Remove a fiduciary whenever that removal is in the best interests of the protected person.

9 (i) Appoint a successor fiduciary when a fiduciary has died, resigned or been removed.

10 (j) Require a respondent or protected person to submit to a physical or mental examination
11 pursuant to ORCP 44.

12 (k) Make provisions for parenting time or visitation or order support for any minor who is a
13 respondent or protected person in a protective proceeding.

14 (L) Impose any conditions and limitations upon the fiduciary that the court considers appropri-
15 ate, including limitations on the duration of the appointment. Any conditions or limitations imposed
16 on the fiduciary must be reflected in the letters of appointment.

17 (m) Appoint protected person special advocates pursuant to section 2, chapter 39, Oregon Laws
18 2014.

19 (4) When a person files a petition or motion for a support order under subsection (3)(k) of this
20 section:

21 (a) The person shall state in the petition or motion, to the extent known:

22 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
23 ceeding involving the minor, including a proceeding brought under ORS 25.287, 107.085, 107.135,
24 107.431, 108.110, 109.100, 109.103, 109.165, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter
25 110; and

26 (B) Whether there exists in this state or any other jurisdiction a support order, as defined in
27 [ORS 110.303] **section 3 of this 2015 Act**, involving the minor.

28 (b) The person shall include with the petition or motion a certificate regarding any pending
29 support proceeding and any existing support order. The person shall use a certificate that is in a
30 form established by court rule and include information required by court rule and paragraph (a) of
31 this subsection.

32 (5) When the court acts upon its own authority to order support under subsection (3)(k) of this
33 section, at least 21 days before the hearing the court shall notify the Administrator of the Division
34 of Child Support of the Department of Justice, or the branch office providing support services to the
35 county where the hearing will be held, of the hearing. Before the hearing the administrator shall
36 inform the court, to the extent known:

37 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
38 ceeding involving the minor, including a proceeding brought under ORS 25.287, 107.085, 107.135,
39 107.431, 108.110, 109.100, 109.103, 109.165, 416.400 to 416.465, 419B.400 or 419C.590 or ORS chapter
40 110; and

41 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
42 ORS 110.303, involving the minor.

43 (6) The Judicial Department and the Department of Justice may enter into an agreement re-
44 garding how the courts give the notice required under subsection (5) of this section to the Depart-
45 ment of Justice and how the Department of Justice gives the information described in subsection

1 (5)(a) and (b) to the courts.

2 (7) If the court finds that a conservator should be appointed, the court may exercise all the
3 powers over the estate and affairs of the protected person that the protected person could exercise
4 if present and not under disability, except the power to make a will. The court shall exercise those
5 powers for the benefit of the protected person and members of the household of the protected per-
6 son.

7 (8) The powers of the court in protective proceedings may be exercised by the court directly or
8 through a fiduciary.

9 **SECTION 97.** ORS 416.415 is amended to read:

10 416.415. (1)(a) At any time after the state is assigned support rights, a public assistance payment
11 is made, an application for enforcement services under ORS 25.080 is made by an individual who is
12 not a recipient of public assistance or a written request for enforcement of a support obligation is
13 received from the state agency of another state responsible for administering the federal child sup-
14 port enforcement program, the administrator may, if there is no court order or administrative sup-
15 port order, issue a notice and finding of financial responsibility. The notice shall be served upon the
16 parent in the manner prescribed for service of summons in a civil action, by certified mail, return
17 receipt requested, or by any other mail service with delivery confirmation. Notices that involve the
18 establishment of paternity must be served by personal service. All notices may be personally served
19 by the administrator.

20 (b) The administrator shall serve the notice and finding issued under this section upon the
21 obligee. Service shall be by regular mail.

22 (2) The administrator shall include in the notice:

23 (a) A statement of the name of the caretaker relative or agency and the name of the dependent
24 child for whom support is to be paid;

25 (b) A statement of the monthly support for which the parent shall be responsible;

26 (c) A statement of the past support for which the parent shall be responsible;

27 (d) A statement that the parent may be required to provide health care coverage for the de-
28 pendent child whenever the coverage is available to the parent at a reasonable cost;

29 (e) To the extent known, a statement of:

30 (A) Whether there is pending in this state or any other jurisdiction any type of support pro-
31 ceeding involving the dependent child, including a proceeding brought under ORS 25.287, 107.085,
32 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025, 416.425, 419B.400 or 419C.590 or ORS
33 chapter 110; and

34 (B) Whether there exists in this state or any other jurisdiction a support order, as defined in
35 [ORS 110.303] **section 3 of this 2015 Act**, involving the dependent child;

36 (f) A statement that if the parent or the obligee desires to discuss the amount of support or
37 health care coverage that the parent is required to pay or provide, the parent or the obligee may
38 contact the office that sent the notice and request a negotiation conference. If no agreement is
39 reached on the monthly support to be paid, the administrator may issue a new notice and finding
40 of financial responsibility, which may be sent to the parent and to the obligee by regular mail ad-
41 dressed to the parent's and to the obligee's last-known address, or if applicable, the parent's or the
42 obligee's attorney's last-known address;

43 (g) A statement that if the parent or the obligee objects to all or any part of the notice and
44 finding of financial responsibility, then the parent or the obligee must send to the office issuing the
45 notice, within 30 days of the date of service, a written response that sets forth any objections and

1 requests a hearing;

2 (h) A statement that if such a timely response is received by the appropriate office, either the
3 parent or the obligee or both shall have the right to a hearing; and that if no timely written re-
4 sponse is received, the administrator may enter an order in accordance with the notice and finding
5 of financial responsibility;

6 (i) A statement that as soon as the order is entered, the property of the parent is subject to
7 collection action, including but not limited to wage withholding, garnishment and liens and exe-
8 cution thereon;

9 (j) A reference to ORS 416.400 to 416.465;

10 (k) A statement that both the parent and the obligee are responsible for notifying the office of
11 any change of address or employment;

12 (L) A statement that if the parent has any questions, the parent should telephone or visit the
13 appropriate office or consult an attorney; and

14 (m) Such other information as the administrator finds appropriate.

15 (3) If the paternity of the dependent child has not been legally established, the notice and finding
16 of financial responsibility shall also include:

17 (a) An allegation that the person is the parent of the dependent child;

18 (b) The name of the child's other parent;

19 (c) The child's date of birth;

20 (d) The probable time or period of time during which conception took place; and

21 (e) A statement that if the alleged parent or the obligee does not timely send to the office is-
22 suing the notice a written response that denies paternity and requests a hearing, then the adminis-
23 trator, without further notice to the alleged parent, or to the obligee, may enter an order that
24 declares and establishes the alleged parent as the legal parent of the child.

25 (4) The statement of monthly future support required under subsection (2)(b) and the statement
26 of past support required under subsection (2)(c) of this section are to be computed as follows:

27 (a) If there is sufficient information available concerning the parent's financial and living situ-
28 ation, the formula provided for in ORS 25.275 and 25.280 shall be used; or

29 (b) If there is insufficient information available to use the formula, an allegation of ability to
30 pay shall be the basis of the statement.

31 (5) The parent or alleged parent and the obligee shall have time to request a hearing as outlined
32 in subsection (2)(g) of this section. The time limits may be extended by the administrator and are
33 nonjurisdictional.

34 (6) If a timely written response setting forth objections and requesting a hearing is received by
35 the appropriate office, a hearing shall be held under ORS 416.427.

36 (7) If no timely written response and request for hearing is received by the appropriate office,
37 the administrator may enter an order in accordance with the notice, and shall include in that order:

38 (a) If the paternity of the dependent child is established by the order, a declaration of that fact;

39 (b) The amount of monthly support to be paid, with directions on the manner of payment;

40 (c) The amount of past support to be ordered against the parent;

41 (d) Whether health care coverage is to be provided for the dependent child;

42 (e) The name of the caretaker relative or agency and the name and birthdate of the dependent
43 child for whom support is to be paid; and

44 (f) A statement that the property of the parent is subject to collection action, including but not
45 limited to wage withholding, garnishment and liens and execution thereon.

1 (8) The parent and the obligee shall be sent a copy of the order by regular mail addressed to
 2 the last-known address of each of the parties or if applicable, to the last-known address of an at-
 3 torney of record for a party. The order is final, and action by the administrator to enforce and col-
 4 lect upon the order, including arrearages, may be taken from the date of issuance of the order.

5 (9) The provisions of ORS 107.108 apply to an order entered under this section for the support
 6 of a child attending school.

7 **SECTION 98.** ORS 416.419 is amended to read:

8 416.419. (1) Except as otherwise provided in subsection (2) of this section, the administrator may
 9 act as the tribunal described in [ORS 110.304] **section 4 of this 2015 Act** in the establishment of
 10 paternity or of a child support order, or in the modification or enforcement of a child support order.

11 (2)(a) When a hearing is requested pursuant to ORS 416.427, the tribunal is the Office of Ad-
 12 ministrative Hearings, except as provided in ORS 416.430.

13 (b) When an order is appealed pursuant to ORS 416.427 (6), the tribunal is a circuit court.

14 **SECTION 99.** ORS 416.425 is amended to read:

15 416.425. (1) Any time support enforcement services are being provided under ORS 25.080, the
 16 obligor, the obligee, the party holding the support rights or the administrator may move for the
 17 existing order to be modified under this section. The motion shall be in writing in a form prescribed
 18 by the administrator, shall set out the reasons for modification and shall state the address of the
 19 party requesting modification.

20 (2) The moving party shall state in the motion, to the extent known:

21 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 22 ceeding involving the dependent child, including a proceeding brought under ORS 25.287, 107.085,
 23 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025, 416.415, 419B.400 or 419C.590 or ORS
 24 chapter 110; and

25 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 26 [ORS 110.303] **section 3 of this 2015 Act**, involving the dependent child, other than the order the
 27 party is moving to modify.

28 (3) The moving party shall include with the motion a certificate regarding any pending support
 29 proceeding and any existing support order other than the order the party is moving to modify. The
 30 party shall use a certificate that is in a form prescribed by the administrator and include informa-
 31 tion required by the administrator and subsection (2) of this section.

32 (4) The moving party shall serve the motion upon the obligor, the obligee, the party holding the
 33 support rights and the administrator, as appropriate. The nonrequesting parties must be served in
 34 the same manner as provided for service of the notice and finding of financial responsibility under
 35 ORS 416.415 (1)(a). Notwithstanding ORS 25.085, the requesting party must be served by first class
 36 mail to the requesting party's last known address. The nonrequesting parties have 30 days to resolve
 37 the matter by stipulated agreement or to serve the moving party by regular mail with a written
 38 response setting forth any objections to the motion and a request for hearing. The hearing shall be
 39 conducted under ORS 416.427.

40 (5) When the moving party is other than the administrator and no objections and request for
 41 hearing have been served within 30 days, the moving party may submit a true copy of the motion
 42 to the administrative law judge as provided in ORS 416.427, except the default may not be construed
 43 to be a contested case as defined in ORS chapter 183. Upon proof of service, the administrative law
 44 judge shall issue an order granting the relief sought.

45 (6) When the moving party is the administrator and no objections and request for hearing have

1 been served within 30 days, the administrator may enter an order granting the relief sought.

2 (7) A motion for modification made under this section does not stay the administrator from en-
3 forcing and collecting upon the existing order unless so ordered by the court in which the order is
4 entered.

5 (8) An administrative order filed in accordance with ORS 416.440 is a final judgment as to any
6 installment or payment of money that has accrued up to the time the nonrequesting party is served
7 with a motion to set aside, alter or modify the judgment. The administrator may not set aside, alter
8 or modify any portion of the judgment that provides for any payment of money for minor children
9 that has accrued before the motion is served. However:

10 (a) The administrator may allow a credit against child support arrearages for periods of time,
11 excluding reasonable parenting time unless otherwise provided by order or judgment, during which
12 the obligor, with the knowledge and consent of the obligee or pursuant to court order, has physical
13 custody of the child; and

14 (b) The administrator may allow a credit against child support arrearages for any Social Secu-
15 rity or veterans' benefits paid retroactively to the child, or to a representative payee administering
16 the funds for the child's use and benefit, as a result of a parent's disability or retirement.

17 (9) The party requesting modification has the burden of showing a substantial change of cir-
18 cumstances or that a modification is appropriate under the provisions of ORS 25.287.

19 (10) The obligee is a party to all proceedings under this section.

20 (11) An order entered under this section that modifies a support order because of the
21 incarceration of the obligor is effective only during the period of the obligor's incarceration and for
22 60 days after the obligor's release from incarceration. The previous support order is reinstated by
23 operation of law on the 61st day after the obligor's release from incarceration. An order that mod-
24 ifies a support order because of the obligor's incarceration must contain a notice that the previous
25 order will be reinstated on the 61st day after the obligor's release from incarceration.

26 (12)(a) Notwithstanding subsections (1) to (11) of this section, any time support enforcement
27 services are being provided under ORS 25.080, upon request of a party to a support order or judg-
28 ment or on the administrator's own motion, the administrator may move to suspend the order or
29 judgment and issue a temporary modification order under this subsection when:

30 (A) There is a period of significant unemployment as that term is described in paragraph (b) of
31 this subsection; and

32 (B) A party to the support order or judgment experiences an employment-related change of in-
33 come as defined by rule in ORS 416.455.

34 (b) Proceedings under this subsection may be initiated only when there is a period of significant
35 unemployment in Oregon. The Attorney General shall determine when a "period of significant un-
36 employment" exists in Oregon and designate the beginning and ending dates thereof. In making the
37 determination of when a period of significant unemployment exists in Oregon, the Attorney General
38 may consider whether there is in effect an "extended benefit period" as that term is defined in ORS
39 657.321.

40 (c) Except as otherwise provided in this subsection, the provisions of subsections (1) to (11) of
41 this section apply to a motion for an order of suspension and temporary modification under this
42 subsection.

43 (d) A party's employment-related change of income during a period of significant unemployment
44 is considered a substantial change of circumstances for purposes of proceedings brought under this
45 section.

1 (e) The motion for an order of suspension and temporary modification must be in writing and
2 must include, but need not be limited to:

3 (A) The amount of the existing support order or judgment;

4 (B) The amount of the obligor's and obligee's income immediately preceding the party's
5 employment-related change of income, if known;

6 (C) The reason for the party's employment-related change of income;

7 (D) How the party's employment-related change of income affects the party's employment status,
8 income and, if applicable, ability to pay support;

9 (E) The obligor's and the obligee's current sources of income, if known;

10 (F) The proposed amount of the temporary modification order;

11 (G) A statement that if a party objects to the motion for an order of suspension and temporary
12 modification, then the party may request a hearing within 14 days of service of the motion as pro-
13 vided in paragraph (g) of this subsection;

14 (H) A statement that the preexisting support order or judgment will be reinstated as provided
15 in paragraph (h) of this subsection; and

16 (I) A statement that a party may request a renewal of the order of suspension and temporary
17 modification prior to its expiration as provided in paragraph (j) of this subsection.

18 (f) The administrator shall serve the motion filed under this subsection upon the parties by
19 regular first class mail, facsimile or electronic mail unless a party signs a form agreeing to accept
20 service of the motion.

21 (g) A party may request a hearing within 14 days of service of the motion. If a hearing is re-
22 quested, the provisions of ORS 416.427 apply. When there has been no request for hearing, the ad-
23 ministrator may enter an order of suspension and temporary modification under this subsection. The
24 order must be consistent with the provisions of the motion filed under this subsection and be in
25 substantial compliance with the formula established under ORS 25.275.

26 (h) An order of suspension and temporary modification issued under this subsection is temporary
27 and remains in effect for six months from the date the order is filed under ORS 416.440 or until the
28 date specified in the notice provided under paragraph (i) of this subsection informing of the party's
29 reemployment, whichever is earlier, at which time the preexisting support order or judgment be-
30 comes immediately effective and payable on the first day of the following month unless an order of
31 renewal is issued under paragraph (j) of this subsection.

32 (i) The administrator may issue a notice of reinstatement at any time during which an order of
33 suspension and temporary modification is in effect under this subsection when a party obtains em-
34 ployment and receives income that is sufficient to reinstate support in an amount substantially
35 similar to the amount in the preexisting support order or judgment. The notice shall be served as
36 provided in paragraph (f) of this subsection and must state that, unless a request for hearing is re-
37 ceived within 14 days of service of the notice, the administrator will enter an order terminating the
38 order of suspension and temporary modification and reinstating the amount of the preexisting sup-
39 port order or judgment effective on a date to be specified in the notice. If a hearing is requested,
40 the provisions of ORS 416.427 apply. When there is no request for hearing, the administrator may
41 enter an order terminating the order of suspension and temporary modification and reinstating the
42 preexisting support order or judgment effective upon the date specified in the notice.

43 (j) Prior to expiration of an order of suspension and temporary modification under this sub-
44 section and upon request of a party, the administrator may renew the order of suspension and tem-
45 porary modification for additional six-month periods or until the party obtains employment as

1 described in paragraph (i) of this subsection, whichever occurs first, if the circumstances under
2 which the order was originally issued continue to exist unchanged.

3 **SECTION 100.** ORS 416.440 is amended to read:

4 416.440. (1) The documents required to be filed for purposes of subsection (2) of this section in-
5 clude all the following:

6 (a) A true copy of any order entered, filed or registered by the administrator or administrative
7 law judge pursuant to ORS 416.400 to 416.465 or ORS chapter 110.

8 (b) A true copy of the return of service, if applicable.

9 (c) A separate statement containing the information required to be contained in a judgment
10 under ORS 18.042 (2).

11 (2) The documents described under subsection (1) of this section shall be filed in the office of
12 the clerk of the circuit court in the county in which either the parent or the dependent child resides
13 or in the county where the court order was entered if the administrative order is an order modifying
14 a court order. Upon receipt of the documents, the clerk shall enter the order in the register of the
15 circuit court, shall note in the register that the order creates a lien and shall make the notations
16 required by ORS 18.075 in the judgment lien record maintained under ORS 18.075.

17 (3) Upon entry in the register under subsection (2) of this section, the order shall have all the
18 force, effect and attributes of a judgment of the circuit court, including but not limited to:

19 (a) Creation of a judgment lien under ORS chapter 18; and

20 (b) Ability to be enforced by contempt proceedings and pursuant to ORS 18.252 to 18.993.

21 (4) Notwithstanding subsections (2) and (3) of this section, the entry in the register of an order
22 of the administrator or administrative law judge does not preclude any subsequent proceeding or
23 remedy available under ORS 416.400 to 416.465.

24 (5) An order filed under this section that modifies a previously filed order or a previously en-
25 tered judgment may contain provisions that were included in the order or judgment.

26 (6) A court or administrative order of another state may be filed, or if appropriate, registered,
27 pursuant to this section for the purposes of ORS chapter 110. Notwithstanding any other provision
28 of this chapter, an order of another state registered pursuant to [ORS 110.405, 110.408 and
29 110.411] **sections 46 to 49 of this 2015 Act** may not be modified unless the requirements of [ORS
30 110.432] **sections 54 to 59 of this 2015 Act** are met.

31 **SECTION 101.** ORS 419B.400 is amended to read:

32 419B.400. (1) The court may, after a hearing on the matter, require the parents or other person
33 legally obligated to support a child alleged to be within the jurisdiction of the court under ORS
34 419B.100 or a ward to pay toward the child or ward's support such amounts at such intervals as the
35 court may direct, even though the child or ward is over 18 years of age as long as the child or ward
36 is a child attending school, as defined in ORS 107.108.

37 (2) At least 21 days before the hearing, the court shall notify the Administrator of the Division
38 of Child Support of the Department of Justice, or the branch office providing support services to the
39 county where the hearing will be held, of the hearing. Before the hearing the administrator shall
40 inform the court, to the extent known:

41 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
42 ceeding involving the child or ward, including a proceeding brought under ORS 25.287, 107.085,
43 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025, 416.400 to 416.465 or 419C.590 or ORS
44 chapter 110; and

45 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in

1 [ORS 110.303] **section 3 of this 2015 Act**, involving the child or ward.

2 (3) The Judicial Department and the Department of Justice may enter into an agreement re-
 3 garding how the courts give the notice required under subsection (2) of this section to the Depart-
 4 ment of Justice and how the Department of Justice gives the information described in subsection
 5 (2)(a) and (b) to the courts.

6 (4) The court, in determining the amount to be paid, shall use the scale and formula provided
 7 for in ORS 25.275 and 25.280. Unless otherwise ordered, the amounts so required to be paid shall
 8 be paid to the Department of Justice or the county clerk, whichever is appropriate, for transmission
 9 to the person, institution or agency having legal custody of the child or ward.

10 **SECTION 102.** ORS 419C.590 is amended to read:

11 419C.590. (1) The court may, after a hearing on the matter, require the parents or other person
 12 legally obligated to support a youth offender to pay toward the youth offender’s support such
 13 amounts at such intervals as the court may direct, while the youth offender is within the jurisdiction
 14 of the court even though the youth offender is over 18 years of age as long as the youth offender
 15 is a child attending school, as defined in ORS 107.108.

16 (2) At least 21 days before the hearing, the court shall notify the Administrator of the Division
 17 of Child Support of the Department of Justice, or the branch office providing support services to the
 18 county where the hearing will be held, of the hearing. Before the hearing the administrator shall
 19 inform the court, to the extent known:

20 (a) Whether there is pending in this state or any other jurisdiction any type of support pro-
 21 ceeding involving the youth offender, including a proceeding brought under ORS 25.287, 107.085,
 22 107.135, 107.431, 108.110, 109.100, 109.103, 109.165, 125.025, 416.400 to 416.465 or 419B.400 or ORS
 23 chapter 110; and

24 (b) Whether there exists in this state or any other jurisdiction a support order, as defined in
 25 [ORS 110.303] **section 3 of this 2015 Act**, involving the youth offender.

26 (3) The Judicial Department and the Department of Justice may enter into an agreement re-
 27 garding how the courts give the notice required under subsection (2) of this section to the Depart-
 28 ment of Justice and how the Department of Justice gives the information described in subsection
 29 (2)(a) and (b) to the courts.

30 (4) The court, in determining the amount to be paid, shall use the scale and formula provided
 31 for in ORS 25.275 and 25.280. Unless otherwise ordered, the amounts so required to be paid shall
 32 be paid to the Department of Justice or the county clerk, whichever is appropriate, for transmission
 33 to the person, institution or agency having legal custody of the youth offender.

34
 35 **CAPTIONS DISCLAIMER**

36
 37 **SECTION 103.** The unit captions used in this 2015 Act are provided only for the conven-
 38 **ience of the reader and do not become part of the statutory law of this state or express any**
 39 **legislative intent in the enactment of this 2015 Act.**