

137-055-3480

Modification of a Support Order to Zero or Termination of a Support Order

(1) The administrator may, upon its own initiative, or upon the request of a party modify a child support obligation to zero when:

(a) No minor children for whom support was ordered are currently in the physical custody of the obligee;

(b) The family has reconciled (the obligor, obligee, and minor children live together as an intact family); or

(c) Support rights are not assigned to the state and the obligee has requested that the administrator modify the support obligation to zero.

(2) During a hearing pursuant to this rule, OAR 137-055-3420, or 137-055-3430, if an Administrative Law Judge (ALJ) finds facts that satisfy the conditions of subsections (1)(a), (b), or (c) of this rule, the ALJ is authorized to modify the order to zero.

(3) If modifying under subsections (1)(a) or (c) of this rule, and there is an adult child:

(a) A tier as defined in OAR 137-055-1020 may be included for the adult child; or

(b) The order may be modified to remove support provisions for the adult child but can be modified later to include support provisions for a child attending school if the adult child qualifies for support under ORS 107.108.

(4) No order modifying a support obligation to zero shall be taken ex parte.

(5) Nothing in this rule prohibits the suspension of support accrual under any order because the obligor receives cash assistance, as provided in ORS 25.245, or qualifies as an incarcerated obligor, as provided in ORS 25.247.

(6) An order may be terminated if the children covered by the order are being added to a different order, or if the family has experienced a change of circumstances that makes a support order unnecessary or legally inappropriate, including but not limited to, reconciliation of the parents or relinquishment of parental rights.

Stat. Auth.: ORS 25.505 & 180.345

Stats. Implemented: ORS 25.287 & 25.527

Effective: January 6, 2023