

**137-055-3490**

**Suspension of Enforcement**

(1) For purposes of this rule, “credit balance” means that payments received pursuant to a child support order exceed the amount of arrears and current support that has accrued under the order as reflected in the administrator’s accounting records.

(2) When an action to modify, terminate, or set aside a child support order is pending, the administrator may suspend enforcement of the child support order if:

(a) The obligor has custody of all of the parties’ children and continued collection of child support would impair the obligor’s ability to provide for their care; or

(b) Collection of child support would result in a credit balance if the legal action is completed.

(3) When the administrator determines that enforcement of a child support order should be suspended under this section, the administrator will send written notice of the intent to suspend enforcement to the parties at least 14 days prior to suspending enforcement. The notice shall inform the parties that the order qualifies for suspension of enforcement under section (2) of this rule.

(4) When the administrator suspends enforcement of the child support order, the administrator will send written notice to the parties. The notice will inform the parties of the following:

(a) If a party disagrees with the suspension, the party may submit a written request for administrative review; and

(b) That enforcement will resume if the reason for the suspension no longer applies.

(5) Upon receipt of a written request, the administrator will conduct an administrative review within 30 days and send written notification of the results of the review to the parties.

(6) Enforcement of current support or arrears will be resumed only for the following reasons:

(a) The administrator determines that the reason(s) for the suspension no longer apply; or

(b) The legal action referenced in section (2) is complete.

(7) A party may appeal the administrator’s decision as provided in ORS 183.484.

Stat. Auth.: ORS 25.125 & 180.345

Stats. Implemented: ORS 25.125 & 25.241

Effective: August 7, 2020