

Senate Bill 314

Sponsored by Senator GORDLY

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**.

Requires state to pay child support obligations of obligor who is member of Oregon National Guard and is on active military duty for deployment in Iraq or Afghanistan. Relieves obligor of child support obligations while on active duty. Creates Oregon National Guard Child Support Fund. Requires Division of Child Support to administer state payments of child support.

Appropriates moneys from General Fund to Department of Justice for payment of child support obligations of members of Oregon National Guard on active duty for deployment to Iraq or Afghanistan.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to child support obligations of members of Oregon National Guard; appropriating money;
3 and declaring an emergency.

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

5 **SECTION 1. Sections 1 to 3 this 2005 Act may be cited as the Oregon National Guard**
6 **Child Support Act.**

7 **SECTION 2. (1) When an obligor is a member of the Oregon National Guard and is called**
8 **to active military duty for deployment in Iraq or Afghanistan, upon the request of the**
9 **obligor, the state, through the Division of Child Support of the Department of Justice, shall**
10 **pay the obligor's child support payments for each month or part of a month when the obligor**
11 **is on active duty. The division shall begin making the obligor's child support payments within**
12 **15 days after the division receives a notice described in subsection (2)(a) of this section and**
13 **shall stop making the payments immediately upon receiving a release notice described in**
14 **subsection (2)(b) of this section.**

15 **(2)(a) When an obligor is a member of the Oregon National Guard and is called to active**
16 **military duty for deployment in Iraq or Afghanistan, the obligor may notify the Adjutant**
17 **General of the obligor's child support obligation and request that the state make the**
18 **obligor's child support payments for each month or part of a month when the obligor is on**
19 **active duty. The obligor may make the request before, during or after the period of active**
20 **duty. Upon receipt of the obligor's request, the Adjutant General shall promptly notify the**
21 **division that the obligor has been called to active duty and give the date the obligor reported**
22 **for active duty.**

23 **(b) When the obligor is released from active duty, the Adjutant General shall promptly**
24 **notify the division of the date the obligor was released.**

25 **(3) During the period the state is required to make an obligor's child support payments**
26 **under this section, the obligor is relieved from the obligor's child support obligations, in-**
27 **cluding the payment on arrearages, notwithstanding the terms of any child support judg-**
28 **ment, order or agreement to the contrary.**

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 (4) If an obligor makes child support payments for a period when the state is required
2 to make the payments under this section, the division shall determine the amount of support
3 paid by the obligor and pay that amount to the obligor or credit that amount against any
4 child support arrearages owed by the obligor.

5 (5) If the administrator, as defined in ORS 25.010, is not providing support enforcement
6 services under ORS 25.080 to an obligor or obligee when the obligor requests that the state
7 make child support payments under this section, the division shall provide those services
8 after the division receives the notice described in subsection (2)(a) of this section.

9 (6) The division shall adopt rules to administer this section and adopt appropriate forms,
10 notices and an informational brochure describing the provisions of this section. The division
11 shall distribute the brochure to the Adjutant General, the Oregon National Guard and to
12 others upon request.

13 **SECTION 3.** (1) The Oregon National Guard Child Support Fund is established in the
14 State Treasury, separate and distinct from the General Fund. The Oregon National Guard
15 Child Support Fund consists of moneys appropriated to and received by the Department of
16 Justice for the purpose of making child support payments, under section 2 of this 2005 Act,
17 for obligors who are members of the Oregon National Guard and are called to active military
18 duty for deployment in Iraq or Afghanistan.

19 (2) All income earned on moneys in the Oregon National Guard Child Support Fund in-
20 vested by the State Treasurer shall accrue to the fund. All moneys in the fund are appro-
21 priated continuously to the department for the payment of child support obligations under
22 section 2 of this 2005 Act.

23 **SECTION 4.** There is appropriated to the Department of Justice, for the biennium be-
24 ginning July 1, 2005, out of the General Fund, the amount of \$_____ for the purpose of
25 carrying out the provisions of sections 1 to 3 of this 2005 Act.

26 **SECTION 5.** Sections 1 to 3 of this 2005 Act apply to members of the Oregon National
27 Guard who are or were called into active military service for deployment in Iraq or
28 Afghanistan before, on or after the effective date of this 2005 Act.

29 **SECTION 6.** This 2005 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
31 on its passage.
32