

## SENATE AMENDMENTS TO SENATE BILL 1050

By COMMITTEE ON JUDICIARY

June 13

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;” and  
2 before the period insert “; and declaring an emergency”.

3 Delete lines 6 through 11 and insert:

4 “(a) ‘Child attending school’ means a child of the parties who:

5 “(A) Is unmarried;

6 “(B) Is 18 years of age or older and under 21 years of age;

7 “(C) Is making satisfactory academic progress as defined by the school that the child attends;

8 and

9 “(D) Has a course load that is no less than one-half of the load that is determined by the school  
10 to constitute full-time enrollment.”.

11 In line 12, delete “(c)” and insert “(b)”.

12 In line 21, delete “(d)” and insert “(c)”.

13 On page 2, delete lines 13 through 16 and insert:

14 “(3) Notwithstanding ORS 416.407, a child attending school is a party to any legal proceeding  
15 related to the support order. A child attending school may:

16 “(a) Apply for services under ORS 25.080:

17 “(A) If a support order provides for the support or maintenance of the child attending school;

18 or

19 “(B) In accordance with rules adopted by the Department of Justice;”.

20 In line 17, delete “Requesting” and insert “Request”.

21 In line 18, delete “receiving notice of and participating” and insert “may receive notice of and  
22 participate”.

23 In line 19, delete “Agreeing” and insert “Agree”.

24 After line 21, insert:

25 “(4) Regardless of whether the child is a child attending school, an unmarried child who is 18  
26 years of age or older and under 21 years of age:

27 “(a) Is a necessary party to a judicial proceeding under ORS 107.085, 107.135, 107.431, 108.110,  
28 109.103 or 109.165 in which the child’s parents are parties and the court has authority to order or  
29 modify support for a child attending school; and

30 “(b) May request notice of any proceeding initiated by the administrator to modify a support  
31 order that may affect the child’s rights as a child attending school. To receive notice, the child shall  
32 provide an address to the administrator, and the administrator shall notify the child of any modifi-  
33 cation proceeding by first class mail. To be a party to a proceeding, the child must send a written  
34 request to the administrator within 30 days after the date of the notice of the proceeding.”.

35 In line 22, delete “(4)(a)” and insert “(5)(a)”.

1 In line 31, after “amount” insert “distributed or”.

2 In line 34, delete “shared” and insert “split” and delete “is” and insert “was”.

3 In line 35, delete “turns” and insert “turned”.

4 In line 36, after the comma delete the rest of the line and insert “support may not be distributed

5 or paid directly to the child attending school unless the support order is modified.”.

6 On page 3, line 22, delete “(5)” and insert “(6)(a)”.

7 In line 25, delete “(a)” and insert “(A)”.

8 Delete lines 31 through 39 and insert:

9 “(B) Written consent that:

10 “(i) Is directed to the child’s school and is in a form consistent with state and federal require-

11 ments that restrict disclosure of student records;

12 “(ii) Gives the school authority to disclose to each parent ordered to pay support the child’s

13 enrollment status, whether the child is maintaining satisfactory academic progress, a list of courses

14 in which the child is enrolled and the child’s grades; and

15 “(iii) States that the disclosure is for the purpose of permitting each parent to verify the child’s

16 compliance with the requirements of this section.

17 “(b) The child shall provide the written consent form described in paragraph (a)(B) of this sub-

18 section within 30 days after the beginning of the first term or semester after the child reaches 18

19 years of age, at the beginning of each academic year thereafter and as otherwise required by the

20 school to disclose the information under this section.

21 “(c) If an order of nondisclosure of information has been entered concerning the child under

22 ORS 25.020, the child may provide the information described in paragraph (a)(B) of this subsection

23 in the manner established by the department by rule.”.

24 In line 40, delete “(6)” and insert “(7)”.

25 In line 43, delete “(7)” and insert “(8)” and delete “terminates” and insert “is suspended”.

26 On page 4, line 1, delete “(5)(a)” and insert “(6)(a)(A)”.

27 In line 5, delete “authorization” and insert “consent” and delete “(5)(b)” and insert “(6)(a)(B)”.

28 Delete line 11 and insert:

29 “(ii) The written consent from the child as required by subsection (6)(a)(B) of this section;”.

30 In line 16, delete “authorization” and insert “consent” and delete “(5)(b)” and insert “(6)(a)(B)”.

31 In line 19, delete “or” and insert “and”.

32 Delete lines 20 and 21 and insert:

33 “(ii) Proof that the written consent required by subsection (6)(a)(B) of this section has been

34 provided to the parent ordered to pay support; and”.

35 Delete line 26 and insert:

36 “(ii) Proof that the written consent required by subsection (6)(a)(B) of this section has been

37 provided to the parent ordered to pay support.”.

38 In line 27, delete “(8)” and insert “(9)” and delete “terminated” and insert “been suspended” and

39 delete “(7)” and insert “(8)”.

40 In line 29, delete “when” and insert “effective on the date”.

41 Delete line 31 and insert “school and receives the written consent from the child as required

42 by subsection (6)(a)(B) of”.

43 In line 33, delete “when” and insert “effective on the date”.

44 Delete lines 35 and 36 and insert “tending school and receives proof that the written consent

45 required by subsection (6)(a)(B) of this section has been provided to the parent ordered to pay sup-

1 port.”.

2 In line 37, delete “(9)” and insert “(10)” and delete “(4)” and insert “(5)”.

3 In line 38, delete “terminated” and insert “suspended” and delete “(7)” and insert “(8)”.

4 In line 40, delete “termination” and insert “suspension”.

5 In line 41, delete “economic”.

6 In line 42, delete “modification of” and insert “modifying”.

7 In line 43, delete “an alternate support amount to” and insert “a modified amount of support

8 and may order an amount of support to”.

9 In line 44, delete “(8)” and insert “(9)”.

10 After line 45, insert:

11 “(11)(a) If services are being provided under ORS 25.080 and the department has suspended a

12 support obligation under subsection (8) of this section or reinstated a support obligation under sub-

13 section (9) of this section, a party may request administrative review of the action within 30 days

14 after the date of the notice that the department has suspended or reinstated the support obligation.

15 “(b) The department may adopt rules specifying the issues that may be considered on review.

16 “(c) A party may appeal the department’s decision on review under ORS 183.484.

17 “(12)(a) Notwithstanding any other provision of this section, if a parent who is required to pro-

18 vide for the support or maintenance of a child attending school has established a higher education

19 savings plan for the child’s continued education, the court may order payment in accordance with

20 the plan instead of ordering support that would otherwise be distributed or paid directly to the child

21 under this section.

22 “(b) If the court orders payment in accordance with the plan, the court may not order compli-

23 ance with or payment of that provision of the order through the department.

24 “(c) As used in this subsection, ‘higher education savings plan’ means a tax-advantaged account

25 established by a parent on behalf of a child for the purpose of paying qualified higher education

26 expenses of the child at eligible educational institutions.”.

27 On page 5, line 1, delete “(10)” and insert “(13)”.

28 In line 3, delete “(11)” and insert “(14)”.

29 In line 4, delete “children” and insert “a child”.

30 In line 5, after “age” insert “who does not benefit from an intact family or who has been re-

31 moved from the household”.

32 After line 7, insert:

33 “**SECTION 2. (1) The amendments to ORS 107.108 by section 1 of this 2005 Act become**

34 **operative on September 1, 2005.**

35 “**(2) The Department of Justice may take any action before the operative date specified**

36 **in subsection (1) of this section that is necessary to enable the department to exercise, on**

37 **and after the operative date specified in subsection (1) of this section, all the duties, func-**

38 **tions and powers conferred on the department by the amendments to ORS 107.108 by section**

39 **1 of this 2005 Act.**

40 “**SECTION 3. This 2005 Act being necessary for the immediate preservation of the public**

41 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**

42 **on its passage.**”.

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