

Paying Child Support

An excerpt from the Community Education booklet *Family Law in Oregon*

The laws on child support apply to both married and unmarried parents.
For information about child support, see www.oregonchildsupport.gov

(For unmarried parents, paternity must be established before child support can be ordered. See Questions 50 through 63 of [Family Law in Oregon](http://www.OregonLawHelp.org) on www.OregonLawHelp.org.)

How will I know if legal action has been started to order me to pay support?

You might be served with court papers that ask for a child support order in a divorce or custody case started by the other parent, or in a paternity or support case that is filed by the District Attorney (DA) or the Division of Child Support (DCS). If you are served with court papers, you must respond in the time given, or the amount of child support stated in the papers will probably be the amount in the final support order that is signed by the judge.

You might also be sent agency papers asking for child support. These might be called a "Notice and Finding of Financial Responsibility" (or NFFR). This paper will be mailed to you by DCS or the DA and will say how much child support the state thinks you should pay.

If you received a NFFR and are not able to reach an agreement about the amount of support, you have the right to have an agency hearing. You can represent yourself or bring a lawyer to the hearing. You must ask for the hearing within 20 days after you get the NFFR. (If paternity is involved, you have 30

days to ask for a hearing.) If you do not ask for a hearing in those 20 days, you will probably be responsible for the child support asked for in the NFFR unless you reach an agreement with DCS or the DA. If you disagree with the child support order after the hearing, you have the right to have a court hearing. The hearing decision will explain your appeal rights to you.

Once you get the NFFR, you have a right to a conference or a meeting with DCS or the DA to try to reach an agreement about the amount of support you should pay.

The parent who has the children must be told about any agreements you reach with the DCS or the DA and has the right to ask for a hearing on the amount of child support.

You may contact a legal aid program or a private attorney if you need legal help.

Do I have to pay child support if I am getting public assistance?

If you are getting TANF, SSI, or similar benefits from another state or tribe, it is assumed that you are unable to pay child support. If you are getting any of these types of cash assistance, it must be proved that you can still afford to

pay child support before you can be ordered to pay. If you already have been ordered to pay child support and you then begin getting any of these types of cash assistance, you can get an order that stops your child support obligation for the time that you get cash assistance or until it is proved that you can pay support. DCS or the DA will do this for you for free. You also can ask to have your arrears (child support you have not paid) lowered if you received cash assistance in the past and were still billed for child support.

I just started getting Social Security and my children get benefits too. Do I still have to pay child support?

It depends. You should immediately ask for a modification of your child support amount, so that your new income and the receipt of benefits by the children can be included in the calculation. In many cases your child support order will be reduced or eliminated. Also, if your children received a retroactive award of Social Security benefits for periods of time when you owed child support, you may be able to lower your child support debt. You must ask for this change within one year of receiving the retroactive benefits. For more information about how to modify your child support order see Question 130 of the [Family Law in Oregon](#) booklet on www.oregonlawhelp.org.

If I leave the state, can Oregon still order me to pay child support?

Child support can be ordered in Oregon if you and your spouse lived in Oregon for six months (not necessarily together) and the legal action begins within one year of the date you left the state. (This rule may be true for unmarried parents, too.) Also, if you had sexual relations in Oregon resulting in the child's birth, Oregon can order you to pay support for that child even if you don't live in Oregon now and were only visiting before.

There are other situations where non-Oregon parents can be ordered by an Oregon court to pay support. A court or agency in the state where you have moved can also order you to pay support for your child in Oregon.

If I leave Oregon after support is ordered, do I still have to pay?

Yes. Any state where you live can use the Oregon order to make you pay child support.

Can Oregon make me pay child support that was ordered in another state?

Yes. All states enforce child support orders from other states.

Do I have to support my stepchildren?

Yes. If you marry someone who has custody of children, you must support them. This responsibility stops when the

couple gets divorced or when the child is no longer living with your spouse.

Can I stop paying child support if I'm not working?

Until a court order changes your child support amount, you are legally required to make the payment. You should continue to pay whatever amount of child support you can afford. You also should take steps to modify your child support order to a lower amount as soon as possible. For information on how to do this, see Question 130 of the [Family Law in Oregon](#) booklet on www.oregonlawhelp.org. Failure to pay child support is a serious matter that can result in contempt of court or even criminal charges, depending on the facts. You also may want to explain your situation to your child support worker, if you are not going to be able to make your full payment.

Can I stop paying child support if the other parent won't let me visit my child?

Not on your own. You can ask a judge to end the child support order until you get your parenting time. But judges do not like to stop child support payments. They will allow support to be stopped only if there is proof that you have had very serious problems getting visits.

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