

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.](#))*

What is child support?

Money that is regularly paid by a parent to help pay for food, housing, clothing, medical care, day care, and other costs for a child. Health insurance is also considered a form of child support. See Questions 132 through 135 of *Family Law in Oregon**.

Is legal action needed to force a parent to pay child support?

Yes. The only way to make a parent pay support is to get a support order, which must be signed by a judge or hearing officer. A promise or agreement to pay is not enough, but a judge or hearing officer can approve an agreement or promise and make it a support order.

How is child support ordered?

Child support can be ordered in divorce and custody cases. If you have filed for divorce or custody, your attorney may ask for a support order as part of the case. If you are using "do it yourself" forms, you should get instructions that explain how to ask for support, if you don't already have a support order.

Child support can also be ordered without a divorce or custody case and at no cost to you. The Division of Child Support (DCS) at the Oregon Department of Justice will get a child support order if the parent taking care of the children is now getting Temporary Assistance to Needy Families (TANF) or Oregon Health Plan (OHP) for your children or if that parent received TANF in the past and there is unpaid support from that time. In some counties, DCS will get a child support order even if the children have never been on TANF or OHP. In other counties, the local District Attorney's (DA) office will help you get a support order. You also can hire a private lawyer. For more information about how the DCS and the DA get child support orders, see Question 115 of *Family Law in Oregon**.

How is the amount of child support decided?

Child support is determined through a calculation that follows legal guidelines. The guidelines take into account many factors, such as the incomes of the parents, other children the parents have to support, parenting-time schedules, and work-related day care costs for the children.

Under the guidelines, it is assumed that all parents can work 40 hours a week at minimum wage, unless the parent is disabled, is receiving workers' compensation benefits, or is in jail. If a parent is making more than minimum wage, the guidelines will use that amount. If the parent has the ability to make more than minimum wage, the guidelines will take that parent's potential income into account. The amount of child support is automatically reduced in some cases if the parent who owes support is very low income. It is sometimes possible to get a child support order that is different from the amount set by the calculation. Currently, an order of \$100 is required unless a parent is disabled, in jail, or receiving public benefits.

Can the child support order include health insurance coverage?

The child support guidelines determine how health care coverage will be provided and how responsibility for health care costs will be shared. In some cases, a parent can be ordered to pay some of the cost of OHP. See also Questions 132 – 135 of *Family Law in Oregon**.

How long does child support have to be paid?

In Oregon, a parent usually must pay child support until the child is 18 years old. Child support can continue until age 21, if the child 1) is going to school or a job training program at least half time, 2) is making satisfactory progress as defined by the school the child attends, and 3) agrees in writing that the school can provide information, including the child's grades to each parent. Support must be paid directly to the 18-20 year-old child, and the 18-20 year old is a party to the court case having to do with child support. The child support can stop before a child reaches 18 if the child gets married, joins the military, or in some other way becomes legally emancipated (considered an adult).

* *Family Law in Oregon* is available on the OregonLawHelp website:
<http://www.oregonlawhelp.org/documents/4743012010%20Family%20Law%20in%20Oregon%20PDF%20English.pdf?stateabbrev=/OR/>

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