

Changing the Support Order

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 the [Family Law in Oregon](#) booklet on www.oregonlawhelp.org.)

How can I get my current child support order changed?

If your support case is handled by the District Attorney (DA) or the Division of Child Support (DCS), and your child support order is at least three years old, you can ask the enforcing agency to "review" your child support order to see if it meets the current guidelines. In most situations, the agency must do this review at your request. If this review shows that your current support order is more than 15% or \$50 different from what the guidelines call for, the agency will file the modification paperwork.

If it has been less than three years since the most recent child support order or modification, you may still be able to get a "change of circumstances modification." The change may be in your income, the other parent's income, or the child's needs. This service, or the paperwork to do it on your own, is also available from DCS and the DA. If you are the parent who owes support and you are now receiving public assistance, you can also get your child support order changed. See Question 116 of the [Family Law in Oregon](#) booklet on www.oregonlawhelp.org.

If I am behind paying child support, can the amount of back child support I owe in be changed?

Once you are behind in paying child support that you have been ordered to pay, you cannot go back and cancel the amount of support you owe — even if you didn't pay because you didn't have a job or were disabled. Child support can be modified only back to the time legal papers requesting the modification are served on the other parent. But you may be able to get credit on your child support account if the children lived with you for a long time when it wasn't your usual parenting time and the other parent had agreed to you having the children. Contact the child support agency (DCS or DA) handling your case to ask about the credit.

You may also qualify for a credit in some cases in which retroactive (back) Social Security benefits were awarded to your child. See Question 117 of the [Family Law in Oregon](#) booklet on www.oregonlawhelp.org. Also, if you were receiving SSI or Temporary Assistance for Needy Families (TANF) and were still billed for child support, you can get a credit against the child support you owe.