

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

How is child support collected if I am working?

The most common method of collecting child support is by a wage withholding order sent to your employer by the Division of Child Support (DCS). Sometimes private attorneys prepare income withholding orders. All Oregon employers must report new employees to the State.

If you are current in paying your support, the amount that can be withheld from your wages is the monthly support amount, but only up to a maximum of 50% of your take-home pay (up to 60% in some cases, if a court agrees after a hearing).

If you are behind in making your monthly support payments, the amount that can be withheld is 120% of the monthly support amount, up to a maximum of 50% of your take-home pay (up to 65% in some cases, if a court agrees after a hearing).

If you do not owe current support, only arrearages (unpaid back support), the amount that can be withheld is the amount of the last monthly order, if there was one, or an amount based on your income and calculated under the child support guidelines. In either case, you must be left with an income equal to a full time federal minimum wage. If these arrearages are owed only to the state (not to the custodial parent), you may be able to have the monthly withholding reduced if you have another child to support.

Can my employer fire me if my wages are being withheld?

No. It is not legal for an employer to fire, discipline, or refuse to hire you just because there is a wage withholding order. If you think you were fired because your wages are being withheld, you should talk to DCS, the District Attorney (DA), or a private attorney.

Can income other than wages be withheld to pay child support?

Other types of income such as Unemployment Compensation and Worker's Compensation can be withheld for child support. Usually, no more than 25% of these payments can be taken each month, and only 15% (or the amount of the last monthly order) can be taken if there is no current order. In some cases, a collection agency can assist in collecting child support.

DCS and the DA can also take state and federal tax refunds for back child support as well as veterans benefits, personal injury awards, inheritances, lottery winnings, Social Security (but not SSI), pensions, insurance proceeds, and money in bank accounts. If your unpaid back support exceeds \$2,500 and you do not have a payment plan, DCS and the DA can suspend your driver's license, occupational or professional license, passport, as well as your recreational, hunting or fishing license. In addition, DCS is required to report delinquent cases to credit agencies.

If DCS or the DA feel you **could** work or pay child support some other way and you are not paying, they can ask the judge to hold you in contempt of court. In contempt cases, fines and jail sentences are possibilities. You may have the right to a court-appointed attorney. You will usually be given a chance to start making child support payments to avoid going to jail.

How long can back child support be collected?

Unpaid child support from an Oregon child support order can generally be collected for 35 years after it was ordered.

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