
CSP

Oregon Child Support Program
Presentation before the
2004 Family Law Conference

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Child Support For the College Age Child

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Oregon Child Support Program

2004 Family Law Conference Child Support for the College Age Child

I. Calculating Support

The Oregon Administrative Rules that make up the child support guidelines do not dictate how support should be calculated for a child attending school (CAS). Rather, discretion is left to the fact-finder. See commentary to OAR 137-050-0330.¹

Prior to the 2003 amendments to the guidelines, determining a support amount for the CAS was fairly straightforward. However, with the addition of the parenting time credit, carving out a pro rata share of support for the CAS or tracking a relative obligation for the other parent if the child is not living in the

¹ **COMMENTARY TO OAR 137-050-0330** Practitioners question how the guideline changes in 2003 are to be applied for a child attending school. The drafters acknowledge that the current guideline methodology does not contemplate a child who may be away at school and not living in the home or a child who may be seeking support against both parents.

Practitioners with these scenarios may want to take a more basic approach to the guidelines. Although the guidelines focus on computing a support obligation for one parent, it still contemplates that both parents are contributing to the child's support.

The basic child support obligation (the scale figure) for the combined income of the parties and total number of joint children, represents total presumed support for both parents. This basic child support can be divided and treated accordingly. For example, for two children, one of whom is a child attending school, 50% of the basic child support obligation can be used to determine the support obligation for the minor child. The other 50% can be used to determine relative support obligations for the child attending school.

This is one possible approach. The drafters continue to struggle with ORS 107.108 and the difficulties it presents to the guidelines. At this time, we believe these difficulties can better be addressed on a case by case basis by the fact-finder rather than a specified methodology for all child attending school cases.

home is not always an easy feat.

Practitioners continue to request further guidance from the Child Support Program on how to calculate support for a CAS. We anticipate this issue will be addressed by the 2006 Guidelines Advisory Committee. In the meantime, we have developed a suggested methodology of calculating support and are working on providing further resources to assist with these calculations. Practitioners should be aware that this is a *suggested* methodology only. Until a calculation is adopted by rule, courts are not bound to follow this approach.

A. The Child Only Calculation

Under the guidelines, the parties must have a written agreement or court order for parenting time in order for the parenting time credit to apply to the calculation. As the court's authority regarding the care and custody generally extends to minor children only (see ORS 107.105), the parenting time credit does not apply to a child age 18 or over.

Without a parenting time credit, the calculation for a CAS only is fairly straightforward. Early in the calculation, the basic support obligation is prorated between the two parents. This determines the basic amount of support needed from each parent. A custodial parent is presumed to incur his or her pro rata share of the obligation simply as a matter of supporting the child in the home. If the CAS continues to live at home, this presumption should continue. If the CAS does not live at home, practitioners may want to seek support for the child against both parents. For further discussion, see **Child as Judgment Creditor**

below.

If the child is not living in one of the parents' homes, costs will need to be treated differently than a normal calculation. A regular calculation gives a parent a pro rata credit for the cost because that credit reflects the other parent's responsibility for the cost. If support is paid directly to the child and the child does not live in the home, this approach does not pass a portion of the cost onto the other parent. We believe an acceptable approach is to give the parent incurring the cost a dollar for dollar credit, since the child receives the full benefit of the cost (e.g. health care coverage).

B. Joint Minor Child(ren) and a CAS

Regardless of the combination of minor children and the child attending school, a calculation can be completed with an understanding of the basic child support obligation. The basic child support obligation represents the total amount of money required to support the joint children for the family unit. Each parent is responsible for the amount of the basic child support obligation in relation to his or her percentage of income. Likewise, the basic child support obligation can further be prorated for the number of children in the household.

For example, presume two minor children and one child attending school. Mom has income of \$3,000 per month and Dad has income of \$6,000 per month. The initial part of the child support calculation is as follows:

	Dad	Mom	Combined
Gross Monthly Income	6000	3000	9000
Percentage share of income	66.7%	33.3%	
Basic child support obligation			1428

Next, determine the portion of the basic child support obligation that applies to the joint minor children and the child attending school.

Basic child support for CAS $[1428 \div 3]$ \$476

Basic child support for joint minor children $[(1428 \div 3) * 2]$ \$952

Once you have determined the relative basic support obligations for the CAS and the minor children, you need only to carry these figures through. The \$476 gets carried to the single child attending school calculation as explained above.

Assuming no other costs, Dad's obligation to the CAS is 66.7% of \$476 or \$317.

Mom's obligation is 33.3% of \$476 or \$159. The \$952 figure is then carried to a separate calculation for the minor children. Enter this figure for the basic child support obligation and proceed as you would for a normal calculation. If

parenting time applies, any credit will be applied to the \$952 value.

II. Child as the Judgment Creditor

A CAS is not automatically a judgment creditor under a support order.

ORS 107.108(3) states that "If the court provides for the support and maintenance for a child attending school under this section, the child is a party for purposes of matters related to that provision." While this provision gives the

child the right to receive service of any action and the right to request a modification, it does not give the child the rights of a judgment creditor. Please note that this results in some unforeseen consequences. The child does not accrue arrears. Rather, if support is unpaid, the arrears accrue to the judgment creditor. The child also does not have a right to satisfy support or release a judgment lien.

Court judgments sometimes separately list the child as a judgment creditor when the child is a CAS. In this instance, DCS will treat the child as an obligee and the CAS will have the same rights as an obligee on the case.

III. Ordering Support Against Both Parents

The Oregon Child Support Program believes that ORS 107.108 was not designed as a mechanism to order support against both parents of a CAS. Rather, the intent was to have support continue so long as the child attended school. Several factors have obscured the original intent. For instance, support is now forwarded directly to the child; the child has reporting obligations of his/her own; the reality that the child is often not living in the home; and the parents' sense of fairness that they should both be contributing to the child's support.

The CSP, therefore, does not take a position on whether support should or should not be ordered against both parents. Our sample scenarios provide a methodology for arriving at a support amount for both parents if two support awards are desired. The CSP will also enforce support awards against both

parents if services are requested.

IV. Termination of Obligation for a CAS

Perhaps no section of ORS 107.108 is more fervently contested than the meaning and intent of 107.108(6), which states:

If the child fails to comply with any of the requirements imposed on the child by this section and upon written notice from the obligor, the distribution of the support directly to the child ceases and may not be reinstated unless the parent paying support elects to continue to pay the support, in spite of the child's failure to comply with the department of the election in writing. If the underlying support order is for the support of more than one child, the parent shall pay the amount previously paid directly to the child to the recipient of the rest of the support until such time as the support order is modified. A child's failure to comply with the requirements imposed by this section is a substantial change of circumstances for purposes of modification of a support order.

The statute clearly explains what must occur when the support order is for multiple children. However, there is substantial disagreement as to what should occur when the CAS is the only child on the order. One school of thought is that upon written notice that the child is no longer a CAS, the child support obligation terminates and can no longer be reinstated. However, other practitioners read the statement "distribution of the support directly to the child ceases" quite literally to mean that support should revert back to the obligee if the child ceases to be a CAS. In this reading, an obligor would need to request a modification or termination to end the support obligation.

This latter interpretation is deficient in several regards. First, the statute specifically states that support reverts to the obligee when multiple children are

involved under the order. If the legislature had intended the same result for a single child support order, presumably they would have also specified in this instance that support revert back to the obligee. Second, the latter half of the sentence states that support “may not be reinstated unless the parent paying support elects to continue to pay support.” This suggests that the first part of the sentence means that the obligor is no longer required to pay support. Third, the legislative history supports an interpretation that the obligation to support the child ceases.²

²House Judiciary Committee - Subcommittee on Family Law

March 18, 1997

Tape 49, Side A; Beginning at #333

Representative Beyer: Well, I guess I see some problem here. I mean #1 what happens if a student who enrolls in school withdraws halfway through the term. Does the father get repaid?

Vice Chair Eighmey: No

Rep. Beyer: Why not?

Vice Chair Eighmey: If I may. The policy decision was that presently of course the continuation of child support is all the way through the child is attending and we had to reach some workable solution for the department who may be collecting this for a variety of reasons. They may be the collecting source or they may be collecting it for the state as well and disbursing it so that the department has to have at least a 2-3 month period of time to make these adjustments and if they've disbursed and they have to repay where's the money coming from. The department no longer has the money to do so. Ah - and if they fail to comply, if the child fails to comply with the provisions of this i.e. maintains grades, provides transcripts, etc. that if they drop out they really the first time they can get the information to the obligor is when the term is over. And to try to get that child to pay the money back even when they're only direct recipient of it is near impossible and it's a policy decision that may be during that transition period the continuation should be made.

Rep Beyer: Here is exactly my point. A student enrolls September, attends for 3-4 weeks, whatever it is. Drops out. Come the end of the term tells the supporting parents, oh I dropped out, but the support parent didn't know that so he or she paid support this whole time. Child says I am re-enrolling, parent starts again, child drops out.

Vice Chair Eighmey: Under this that can't happen.

Rep. Beyer: What can't it happen?

Vice Chair Eighmey: It is not continued, it is ceased. After they fail to comply it is done forever.

The Program has taken the position outlined in OAR 137-055-5120. Section 12 of that rule sets forth the circumstances under which DCS will “terminate official accounting functions” on the case. For a single child order, this means that DCS will discontinue accrual and enforcement of the child support order. DCS will not reinstate support for the child unless it receives a written request from the obligor.

Notwithstanding, the Program recognizes that practitioners and judges continue to disagree as to the effect of ORS 107.108(6). Practitioners often seek reinstatement of a support obligation from the court. OAR 137-055-5120(17) provides that the administrator will honor the provisions of a court order to reinstate or terminate the duty of support to a CAS. Upon receipt of a court order reinstating support, DCS will resume accounting functions for the case.

V. Child Attending School Compliance

A. Cumulative GPA

ORS 107.108(5) requires that the CAS maintain “the equivalent of a C average or better.” The Program has further defined this requirement in rule. OAR 137-055-5120(4)(b) states:

The child must maintain the equivalent of a cumulative “C” grade

Rep. Beyer: Where does it say that?

Vice Chair Eighmey: Line 25, Page 2 - “If a child fails to comply with any of the requirements imposed on the child by this section the obligation of the parent to pay support directly to the child ceases. Done – cannot be reinstated. It ceases.

Rep. Beyer: OK. That answers that concern.

average or better as defined by the school or, if the child is still attending high school the child may have either a cumulative “C” grade average or better or a “C” grade average or better for each term or semester after attaining age 18;

This language is based on the recollection of the legislative intent at the time the C grade average requirement was added to ORS 107.108. It also reflects the Program’s intent not to unnecessarily penalize a CAS if the child has one poor term or semester.

B. Pre and Post 10/97 Child Support Orders

Practitioners are often confused by the different enforcement standards for judgments entered or modified prior to October 1997 and those entered or modified after October 1997. ORS 107.108(7) provides that orders entered into prior to October 4, 1997 may be modified to include the provisions of (4) to (6) of this section. Orders entered prior to October 1997 that have not been modified since that date therefore do not include the additional requirements in sections (4) through (6) that were added by the 1997 amendments. The Program maintains separate rules addressing pre and post 10/97 orders. See OAR 137-055-5120 (post 1997) and OAR 137-055-5125 (pre 1997). The major differences are as follows:

- A pre-97 order has no restriction against reinstatement. A CAS order may be turned off and back on when a child again qualifies prior to the age of 21.
- A CAS under a pre-97 order has no requirement to report classes and grades on a periodic basis and is not required to maintain a C average. However, note that the CAS will be required to obtain a signed compliance form from the institution if the obligor objects that

the CAS is not attending school.

- Support under a pre-97 order does not go directly to the CAS but continues to be paid to the obligee.

VI. Terms Outside the Realm of ORS 107.108

The Program occasionally sees court judgments that order support for a CAS with additional requirements or terms not provided in ORS 107.108. For example, the judgment might order support until the child turns age 23, restrict the type of school or classes the child must attend, or place additional reporting requirements on the child. It is the Program's position that the court cannot change the statutory requirements for a CAS. See *Sandlin and Sandlin*, 831 P2d 64 (Or App 1992) and *Smith and Smith*, 606 P.2d 694 (Or App 1980).

Regardless of the terms of the judgment, if it orders support for a CAS, the Program will enforce the judgment pursuant to ORS 107.108.

VII. Resources & Contact Information

The Program provides a large amount of information on the DCS website at www.dcs.state.or.us. We continue to add more features as time goes on and you may want to get in the habit of checking back frequently. Currently, the website has the following tools for your use:

- Case status information. Using a client's social security number, you may search to find out if the Program has a child support case for the individual and if so, the case status and branch assignment.
- Child support calculator
- Oregon Administrative Rules adopted by the Child Support Program

- A Guidelines information page including the OAR's with commentary, the economic studies which form the basis for the guideline scale, manual child support worksheets, and instructions for calculating support for a child attending school
- Some Program forms including the child attending school compliance forms
- Contact information for DCS and DA branch offices

The Oregon Child Support Policy Team is also available to answer questions regarding the Child Support Guidelines or other matters related to Program policies. Contact information for myself and the Policy Analysts is provided below:

Shani Fuller, Manager for Policy, Rules & Legislative Section
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COMPUTING SUPPORT FOR A CHILD ATTENDING SCHOOL

The Oregon Administrative Rules that make up the child support guidelines do not dictate how support should be calculated for a child attending school. Rather, discretion is left to the fact-finder. See commentary dated 09/26/03.

The example scenarios and calculation instructions below provide one proposed method of calculating support for a child attending school. Although the calculation will show an obligation for each parent, the Child Support Program does not have a policy position on whether or not in a child attending school case scenario the practitioner should pursue an order against both parents.

Note: You will need to manually compute support in these scenarios. The DOJ child support calculator will not do this calculation for you.

Step by Step Instructions for Child Attending School And Minor Joint Children

Example Scenario #1 - Child Attending School

Example Scenario #2 - Child Attending School And Minor Joint Children

Oregon Department of Justice - Division of Child Support
1495 Edgewater Street N.W. Suite 170 Salem, Oregon 97304
Phone: (503) 986-6090 Fax: (503) 986-6297

STEP BY STEP INSTRUCTIONS FOR CHILD ATTENDING SCHOOL AND MINOR JOINT CHILDREN

Step 1: Calculation of Support for Child Attending School

- 1) Begin calculation using the Child Support Computation Worksheet (CSCW).
- 2) At line 9, retrieve scale figure for total number of joint children using the combined income of the parties. Divide basic child support obligation by total number of joint children and insert the amount for only the child attending school on line 9.
- 3) Enter each parent's pro rata basic child support obligation on line 10 (line 8 times line 9 for each parent).
- 4) As the child attending school is a not a minor child, the parenting time credit will not apply; skip line 11.
- 5) Calculate the low income adjustment on line 12a, if any. Enter the lesser of line 10 or line 12a for each parent on line 12b.
- 6) Prorate any costs for child attending school only (e.g., health care coverage for two joint children is \$100; prorated portion for child attending school is \$50).
- 7) If a parent incurs out-of-pocket costs, subtract those costs directly from that parent's column.
- 8) The resulting figures in each parent's column provide a potential support order(s) against one or both parents.

Step 2: Calculation of Support for Joint Minor Child(ren)

- 9) On a separate CSCW, begin by using the same information as Step 1, above. On line 9, retrieve scale figure for total number of joint children using the combined income of the parties. Divide basic child support obligation by total number of joint children and insert the amount for only the joint minor child(ren) on line 9. (e.g., if 2 of 3 joint children are minors, enter 2/3 of the basic child support obligation for 3 children)
- 10) Continue calculation for joint minor child(ren). If parenting time applies, calculate parenting time and parenting time credit using Supplemental Worksheets S-1 and S-2 for joint minor child(ren) only.
- 11) Complete calculation as normal for remaining children. If costs are for all joint children, be sure to prorate and include only those costs for the joint minor child(ren).
- 12) The resulting figure on line 22 indicates Parent B's total monthly child support obligation owed to Parent A.

EXAMPLE SCENARIO #1

1 Joint Child = Child Attending School (doesn't live with either parent)

Father earns \$3,000 per month and Mother earns \$6,000 per month. Mother carries the 20-year-old son and stepson on her health insurance at a premium cost of \$150 per month. The 20-year-old son is going to Linfield College and lives in the dormitory.

CHILD SUPPORT COMPUTATION WORKSHEET (CSCW)

To determine Parent A and Parent B, see instructions

Parent A MOTHER - SCENARIO 1

Parent B FATHER - SCENARIO 1

# of Joint Children <u>1 CAS</u>		Parent A	Parent B	Combined
Income	1. Gross Monthly Income	6000	3000	
	1a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	2. Spousal support received	0	0	
	3. Spousal support and/or mandatory union dues paid	0	0	
	4. Modified Gross Monthly Income (to line 1: add or subtract line 1a, add line 2 and subtract line 3); enter result	6000	3000	
Adjustments	5. Social Security benefits or Veteran's benefits received for joint child(ren) (enter in column of parent for whose disability or retirement benefits are received, regardless of who actually receives benefits)	0	0	
	6a. Number of nonjoint children for each Parent	0	0	
	6b. Credit for nonjoint children (reference scale for each Parent's income from line 4, using number of nonjoint children for each Parent, as appropriate)	0	0	
	7. Adjusted Gross Monthly Income (add lines 4 and 5 and subtract line 6b, for each parent); Combine amounts for Parent A and Parent B and enter result in 3 rd column	6000	3000	9000
	8. Percentage share of income (each parent's income from line 7 divided by the combined income)	66.7%	33.3%	
Basic Child Support	9. Basic Child Support Obligation (reference scale for combined income from line 7 and number of joint children)			958
	10. Each parent's pro rata basic child support obligation (line 8 times line 9 for each parent).	639	319	
<i>Do parties have written agreement or court order for parenting time equal to 20% or greater for both parents, and/or have split custody? If yes, complete worksheet S-2 and enter result below; if no, continue to line 12a.</i>				
	11. Each parent's pro rata basic child support obligation after parenting time credit from worksheet S-2, line 3 or 4c.	-	-	
Low Income Adjustment	12a. Each parent's single income obligation (reference scale for each parent's modified gross monthly income from line 4 and number of joint children)	820	542	

12b. Monthly child support obligation before costs and adjustments >If no parenting time credit is included, enter zero for Parent A , enter the lesser of line 10 and line 12a for Parent B; FOR EACH PARENT >If worksheet S-2 for parenting time is completed, enter the lesser of line 11 and line 12a for each parent	639	319	
Health care coverage	75	0	
Monthly Child Support Obligation of each parent FOR THE CHILD ATTENDING SCHOOL (subtract costs, such as Health Care Coverage, from line 12b for each parent)	564	319	

EXAMPLE SCENARIO #2

3 Joint Children =

2 Minors (live with Mother)

1 Child Attending School (doesn't live with either parent)

Father earns \$3,000 per month. Mother earns \$6,000 per month and has custody of the parties' twin 14-year-old daughters. The parties also have a 20-year-old son who is going to Linfield College and doesn't live with either parent. Mother carries all three joint children and a stepson on her health insurance at a premium cost of \$200 per month. Father has 81 overnights with each minor daughter.

CHILD SUPPORT COMPUTATION WORKSHEET (CSCW)

To determine Parent A and Parent B, see instructions

Parent A MOTHER - SCENARIO 2 - C.A.S.

Parent B FATHER - SCENARIO 2 - C.A.S.

	# of Joint Children <u>3 total (1 CAS for this calculation)</u>	Parent A	Parent B	Combined
Income	1. Gross Monthly Income	6000	3000	
	1a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	2. Spousal support received	0	0	
	3. Spousal support and/or mandatory union dues paid	0	0	
	4. Modified Gross Monthly Income (to line 1: add or subtract line 1a, add line 2 and subtract line 3); enter result here.	6000	3000	
	Adjustments			
	5. Social Security benefits or Veteran's benefits received for joint child(ren) (enter in column of parent for whose disability or retirement benefits are received, regardless of who actually receives benefits)	0	0	
	6a. Number of nonjoint children for each Parent	0	0	
	6b. Credit for nonjoint children (reference scale for each Parent's income from line 4, using number of nonjoint children for each Parent , as appropriate)	0	0	
	7. Adjusted Gross Monthly Income (add lines 4 and 5 and subtract line 6b, for each parent); Combine amounts for Parent A and Parent B and enter result in 3 rd column	6000	3000	9000
8. Percentage share of income (each parent's income from line 7 divided by the combined income)	66.7%	33.3%		
Basic Child Support	9. Basic Child Support Obligation (reference scale for combined income from line 7 and number of joint children) <i>*Basic CSO divided by number of joint children; use result for remainder of calculation</i>			<u>1428 Total</u> 952 minors 476 CAS*
	10. Each parent's pro rata basic child support obligation (line 8 times line 9 for each parent).	317	159	
	<i>Do parties have written agreement or court order for parenting time equal to 20% or greater for both parents, and/or have split custody? If yes, complete worksheet S-2 and enter result below; if no, continue to line 12a.</i>			
	11. Each parent's pro rata basic child support obligation after parenting time credit from worksheet S-2, line 3 or 4c.	-	-	
Low Income Adjustment	12a. Each parent's single income obligation (reference scale for each parent's modified gross monthly income from line 4 and number of joint children)	<u>1254 Total</u> 836 minors 418 CAS	<u>867 Total</u> 578 minors 289 CAS	

12b. Monthly child support obligation before costs and adjustments >If no parenting time credit is included, enter zero for Parent A ; enter the lesser of line 10 and line 12a for Parent B ; FOR EACH PARENT >If worksheet S-2 for parenting time is completed; enter the lesser of line 11 and line 12a for each parent	317	159	
Health care coverage	50	0	
Monthly Child Support Obligation of each parent FOR THE CHILD ATTENDING SCHOOL (subtract costs, such as Health Care Coverage, from line 12b for each parent)	267	159	

CHILD SUPPORT COMPUTATION WORKSHEET (CSCW)

To determine Parent A and Parent B, see instructions

Parent A MOTHER - SCENARIO 2 (MINOR CHILDREN)

Parent B FATHER - SCENARIO 2 (MINOR CHILDREN)

# of Joint Children <u>3 total (2 minors for this calculation)</u>		Parent A	Parent B	Combined
Income	1. Gross Monthly Income	6000	3000	
	1a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	2. Spousal support received	0	0	
	3. Spousal support and/or mandatory union dues paid	0	0	
	4. Modified Gross Monthly Income (to line 1: add or subtract line 1a, add line 2 and subtract line 3); enter result	6000	3000	
	Adjustments 5. Social Security benefits or Veteran's benefits received for joint child(ren) (enter in column of parent for whose disability or retirement benefits are received, regardless of who actually receives benefits)	0	0	
	6a. Number of nonjoint children for each Parent	0	0	
	6b. Credit for nonjoint children (reference scale for each Parent's income from line 4, using number of nonjoint children for each Parent, as appropriate)	0	0	
7. Adjusted Gross Monthly Income (add lines 4 and 5 and subtract line 6b, for each parent); Combine amounts for Parent A and Parent B and enter result in 3rd column	3000	6000	9000	
8. Percentage share of income (each parent's income from line 7 divided by the combined income)	66.7%	33.3%		
Basic Child Support	9. Basic Child Support Obligation (reference scale for combined income from line 7 and number of joint children) *Basic CSO divided by total # of joint children and multiplied by number of minor child(ren); use result for remainder of calculation			<u>1428 Total</u> 952 minors 476 CAS*
	10. Each parent's pro rata basic child support obligation (line 8 times line 9 for each parent).	635	317	
<i>Do parties have written agreement or court order for parenting time equal to 20% or greater for both parents, and/or have split custody? If yes, complete worksheet S-2 and enter result below; if no, continue to line 12a.</i>				
	11. Each parent's pro rata basic child support obligation after parenting time credit from worksheet S-2, line 3 or 4c.	0	217	
Low Income Adjustment	12a. Each parent's single income obligation (reference scale for each parent's modified gross monthly income from line 4 and number of joint children)	<u>1254 Total</u> 836 minors 418 CAS	<u>867 Total</u> 578 minors 289 CAS	

	12b. Monthly child support obligation before costs and adjustments >If no parenting time credit is included, enter zero for Parent A , enter the lesser of line 10 and line 12a for Parent B ; >If worksheet S-2 for parenting time is completed, enter the lesser of line 11 and line 12a for each parent	0	217	
Costs & Adjustments Enter costs in column of parent who incurs cost	13a. Child care costs for joint children (see worksheet S-3)	0	0	
	13b. Medical expenses (not health care coverage costs - see 13c)	0	0	
	13c. Health care coverage	100	0	
	13d. Rebuttal amount applied, if any (amount by which cost of care should be increased or decreased for parent)(see worksheet S-4)	0	0	
	13e. Total Costs (add lines 13a, 13b and 13c for each parent; add or subtract line 13d)	100	0	
	14. Costs owed to Parent B (line 8, Parent A times line 13e, Parent B; if no Parent A, enter amount from line 13e)	0		
	15. Costs owed to Parent A (line 8, Parent B times line 13e, Parent A)		33	
	16. Monthly child support obligation after costs (line 12b, column 1 plus line 14 for Parent A and line 12b, column 2 plus line 15 for Parent B)	0	250	
17. Net child support obligation (subtract smaller amount on line 16 from greater amount and enter result on line for parent with greater obligation; enter zero for other parent.)	0	250		
Benefits Adjustment	18. If SSB or VB is received by Parent A as representative payee for joint child(ren) as a result of Parent B's disability or retirement		0	
Computing a Final Obligation Ability to Pay Calculation	19. Total Child Support Obligation Parent A - enter figure from line 17, Parent A Parent B - line 17 minus line 18; if negative value, enter zero	0	250	
	20a. Enter modified gross monthly income (from line 4) for each parent.	6000	3000	
	20b. Self Support Reserve	884.00	884.00	
	20c. Each parent's income available for support (line 20a minus line 20b)	5116	2116	
	21. Monthly Child Support Obligation (enter the lesser of line 19 or line 20c)	0	250	
	21a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	22. Total Monthly Child Support Obligation After Rebuttal (add or subtract line 21a from line 21) FOR MINOR CHILD	0	250	

**CHILD SUPPORT COMPUTATION
SUPPLEMENTAL WORKSHEETS**

WORKSHEET S-1 (PARENTING TIME FOR JOINT CHILD(REN))

	Column 1	Column 2	Column 3
	Name: <u>MOTHER</u> # of Overnights	Name: <u>FATHER</u> # of Overnights	Combined
1. Child #1 - 14 YEAR OLD DAUGHTER	284	81	
2. Child #2 - 14 YEAR OLD DAUGHTER	284	81	
3. Child #3			
4. Child #4			
5. Child #5			
6. Child #6			
7. Child #7			
8. Child #8			
9. Child #9			
10. Child #10*			
11. Total parenting overnights (total the number of overnights each parent spends with the child(ren))	568	162	
12. Multiply 365 by the total number of joint children			730
13. Divide total parenting overnights from line 11, Column 1 by the total number of overnights in Column 3; enter result here	77.8%		
14. Divide total parenting overnights from line 11, Column 2 by the total number of overnights in Column 3; enter result here		22.2%	
15. Percentage of Parenting Time for Parenting Time Credit Enter the lesser of line 13 or line 14 in column of parent who has lesser percentage of overnights (if equal, enter line 13 in column 1 and line 14 in column 2)	0	22.2%	
<p>Parent A <u>MOTHER - SCENARIO 2 (MINOR CHILDREN)</u> _____ (Parent with greater percentage of overnights)</p> <p>Parent B <u>FATHER - SCENARIO 2 (MINOR CHILDREN)</u> _____ (Parent with lesser percentage of overnights) (If parties have equal parenting time, either party may be entered as Parent A or Parent B.)</p> <p>*if there are more than 10 children, compute on a separate sheet of paper</p>			

**CHILD SUPPORT COMPUTATION
SUPPLEMENTAL WORKSHEETS**

Parent A MOTHER - SCENARIO 2 (MINOR CHILDREN)

Parent B FATHER SCENARIO 2 (MINOR CHILDREN)

WORKSHEET S-2 (PARENTING TIME CREDIT)

Use this worksheet if overall parenting time from supplemental worksheet S-1 is 20% or greater for both parents, and/or if the parents have split custody.

	Parent A	Parent B	Combined
1. Basic Child Support Obligation (from CSCW, line 9)			952
2. Each parent's pro rata basic child support obligation (from CSCW, line 10)	635	317	
3. <i>If parenting time is equal for both parents (50/50)</i> , subtract the lesser pro rata obligation from the larger on line 2 and divide by two. Enter resulting figure in column for parent with larger pro rata obligation on line 2; enter zero in the column for the other parent. STOP here and transfer figures to CSCW, line 11. If this line does not apply, skip line 3 and continue to line 4a.	-	-	
4a. <i>If Parent B has parenting time equal to or greater than 20% but less than 50% and/or if the parents have split custody</i> , use the "Percentage of Parenting Time for Parenting Time Credit" as determined in worksheet S-1 to locate the "Percentage Range of Parenting Time" in the chart below; then find the corresponding "Adjustment Percentage". Enter that figure here.		10.5%	
4b. Credit for parenting time for Parent B (line 1 times line 4a)		100	
4c. Obligation after parenting time credit: >If line 2 for Parent B is greater than line 4b, subtract line 4b from line 2, Parent B and enter result here; otherwise enter zero.		217	
>If line 4b is greater than line 2 for Parent B, subtract line 2, Parent B from 4b and enter result here, otherwise enter zero.	0		
>Transfer figures from line 4c to CSCW, line 11 for each of the parents.			

Parenting Time Credit	
Percentage Range of Parenting Time	Adjustment Percentage
20% through 23.8%	10.5%
23.9% through 31.5%	16.1%
31.6% through 35.3%	19.5%
35.4% through 38.9%	25.3%
39% through 41.6%	30.7%
41.7% through 44.4%	36.2%
44.5% through 47.1%	42.2%
47.2% through 49.9%	48.6%

EXAMPLE SCENARIO #3

2 Joint Children =

1 Child Attending School (lives with Father)

1 Child Attending School (doesn't live with either parent)

Mother earns \$2,000 per month and Father earns \$5,000 per month. The parties have two children attending school, a 20-year-old son who is going to Linfield College and lives with Father, and a 19-year-old daughter who is going to Willamette University and doesn't live with either parent. Father carries both children on his health insurance at a premium cost of \$200 per month.

CHILD SUPPORT COMPUTATION WORKSHEET (CSCW)

To determine Parent A and Parent B, see instructions

Parent A MOTHER - SCENARIO 3 - C.A.S.

Parent B FATHER - SCENARIO 3 - C.A.S.

	# of Joint Children <u>2 CAS for this calculation</u>	Parent A	Parent B	Combined
Income	1. Gross Monthly Income	2000	5000	
	1a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	2. Spousal support received	0	0	
	3. Spousal support and/or mandatory union dues paid	0	0	
	4. Modified Gross Monthly Income (to line 1: add or subtract line 1a, add line 2 and subtract line 3); enter result here.	2000	5000	
	Adjustments			
	5. Social Security benefits or Veteran's benefits received for joint child(ren) (enter in column of parent for whose disability or retirement benefits are received, regardless of who actually receives benefits)	0	0	
	6a. Number of nonjoint children for each Parent	0	0	
	6b. Credit for nonjoint children (reference scale for each Parent's income from line 4, using number of nonjoint children for each Parent, as appropriate)	0	0	
	7. Adjusted Gross Monthly Income (add lines 4 and 5 and subtract line 6b, for each parent); Combine amounts for Parent A and Parent B and enter result in 3rd column	2000	5000	7000
8. Percentage share of income (each parent's income from line 7 divided by the combined income)	28.6%	71.4%		
Basic Child Support	9. Basic Child Support Obligation (reference scale for combined income from line 7 and number of joint children)			1193
	10. Each parent's pro rata basic child support obligation (line 8 times line 9 for each parent).	341	852	
<i>Do parties have written agreement or court order for parenting time equal to 20% or greater for both parents, and/or have split custody? If yes, complete worksheet S-2 and enter result below; if no, continue to line 12a.</i>				
	11. Each parent's pro rata basic child support obligation after parenting time credit from worksheet S-2, line 3 or 4c.	-	-	
Low Income Adjustment	12a. Each parent's single income obligation (reference scale for each parent's modified gross monthly income from line 4 and number of joint children)	547	1049	

12b. Monthly child support obligation before costs and adjustments >If no parenting time credit is included, enter zero for Parent A ; enter the lesser of line 10 and line 12a for Parent B ; FOR EACH PARENT >If worksheet S-2 for parenting time is completed; enter the lesser of line 11 and line 12a for each parent	341	852	
Health care coverage	0	200	
Monthly Child Support Obligation of each parent FOR THE CHILDREN ATTENDING SCHOOL (subtract costs, such as Health Care Coverage, from line 12b for each parent)	341	652	
Prorated Monthly Child Support Obligation for each parent to CAS who doesn't live with either parent (divide the monthly child support obligation of each parent for the Child Attending School by the total number of children attending school)	170.50	326	
Prorated Monthly Child Support Obligation for each parent to CAS who lives with Father (divide the monthly child support obligation of each parent for the Child Attending School by the total number of children attending school)	170.50	0	

EXAMPLE SCENARIO #4

3 Joint Children =

- 1 Minor Daughter (lives with Mother)
- 1 Minor Son (lives with Father)
- 1 Child Attending School (doesn't live with either parent)

Father earns \$5,000 per month and has custody of the parties' 15-year old son. Mother earns \$2,500 per month and has custody of the parties' 11-year-old daughter. The parties also have a 20-year-old daughter who is going to Linfield College and doesn't live with either parent. Father carries all three joint children on his health insurance at a premium cost of \$150 per month. Father has 165 overnights parenting time with his 11-year old daughter and Mother has 20 overnights with her 15-year old son.

CHILD SUPPORT COMPUTATION WORKSHEET (CSCW)

To determine Parent A and Parent B, see instructions

Parent A FATHER - SCENARIO 4 - C.A.S.

Parent B MOTHER - SCENARIO 4 - C.A.S.

# of Joint Children 3 total (1 CAS for this calculation)		Parent A	Parent B	Combined
Income	1. Gross Monthly Income	5000	2500	
	1a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	2. Spousal support received	0	0	
	3. Spousal support and/or mandatory union dues paid	0	0	
	4. Modified Gross Monthly Income (to line 1: add or subtract line 1a, add line 2 and subtract line 3); enter result here.	5000	2500	
	Adjustments 5. Social Security benefits or Veteran's benefits received for joint child(ren) (enter in column of parent for whose disability or retirement benefits are received, regardless of who actually receives benefits)	0	0	
	6a. Number of nonjoint children for each Parent	0	0	
	6b. Credit for nonjoint children (reference scale for each Parent's income from line 4, using number of nonjoint children for each Parent, as appropriate)	0	0	
	7. Adjusted Gross Monthly Income (add lines 4 and 5 and subtract line 6b, for each parent); Combine amounts for Parent A and Parent B and enter result in 3rd column	5000	2500	7500
	8. Percentage share of income (each parent's income from line 7 divided by the combined income)	66.7%	33.3%	
Basic Child Support	9. Basic Child Support Obligation (reference scale for combined income from line 7 and number of joint children) <i>*Basic CSO divided by number of joint children; use result for remainder of calculation</i>			<u>1368 Total</u> 912 minors 456 CAS
	10. Each parent's pro rata basic child support obligation (line 8 times line 9 for each parent).	304	152	
	<i>Do parties have written agreement or court order for parenting time equal to 20% or greater for both parents, and/or have split custody? If yes, complete worksheet S-2 and enter result below; if no, continue to line 12a.</i>			
	11. Each parent's pro rata basic child support obligation after parenting time credit from worksheet S-2, line 3 or 4c.	-	-	
Low Income Adjustment	12a. Each parent's single income obligation (reference scale for each parent's modified gross monthly income from line 4 and number of joint children)	<u>1192 Total</u> 795 minors 397 CAS	<u>758 Total</u> 505 minors 253 CAS	

12b. Monthly child support obligation before costs and adjustments >If no parenting time credit is included, enter zero for Parent A ; enter the lesser of line 10 and line 12a for Parent B; FOR EACH PARENT >If worksheet S-2 for parenting time is completed, enter the lesser of line 11 and line 12a for each parent	304	152	
Health care coverage	50	0	
Monthly Child Support Obligation of each parent FOR THE CHILD ATTENDING SCHOOL (subtract costs, such as Health Care Coverage, from line 12b for each parent)	254	152	

CHILD SUPPORT COMPUTATION WORKSHEET (CSCW)

To determine Parent A and Parent B, see instructions

Parent A FATHER - SCENARIO 4 (MINOR CHILDREN)

Parent B MOTHER - SCENARIO 4 (MINOR CHILDREN)

	# of Joint Children <u>3 total (2 minors for this calculation)</u>	Parent A	Parent B	Combined
Income	1. Gross Monthly Income	5000	2500	
	1a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	2. Spousal support received	0	0	
	3. Spousal support and/or mandatory union dues paid	0	0	
	4. Modified Gross Monthly Income (to line 1: add or subtract line 1a, add line 2 and subtract line 3); enter result	5000	2500	
	Adjustments 5. Social Security benefits or Veteran's benefits received for joint child(ren) (enter in column of parent for whose disability or retirement benefits are received, regardless of who actually receives benefits)	0	0	
	6a. Number of nonjoint children for each Parent	0	0	
	6b. Credit for nonjoint children (reference scale for each Parent's income from line 4, using number of nonjoint children for each Parent , as appropriate)	0	0	
	7. Adjusted Gross Monthly Income (add lines 4 and 5 and subtract line 6b, for each parent); Combine amounts for Parent A and Parent B and enter result in 3 rd column	5000	2500	7500
	8. Percentage share of income (each parent's income from line 7 divided by the combined income)	66.7%	33.3%	
Basic Child Support	9. Basic Child Support Obligation (reference scale for combined income from line 7 and number of joint children) <i>*Basic CSO divided by total # of joint children and multiplied by number of minor child(ren); use result for remainder of calculation</i>			<u>1368 Total</u> 912 minors 456 CAS
	10. Each parent's pro rata basic child support obligation (line 8 times line 9 for each parent).	608	304	
<i>Do parties have written agreement or court order for parenting time equal to 20% or greater for both parents, and/or have split custody? If yes, complete worksheet S-2 and enter result below; if no, continue to line 12a.</i>				
	11. Each parent's pro rata basic child support obligation after parenting time credit from worksheet S-2, line 3 or 4c.	0	157	
Low Income Adjustment	12a. Each parent's single income obligation (reference scale for each parent's modified gross monthly income from line 4 and number of joint children)	<u>1192 Total</u> 795 minors 397 CAS	<u>758 Total</u> 505 minors 253 CAS	

	12b. Monthly child support obligation before costs and adjustments >If no parenting time credit is included, enter zero for Parent A , enter the lesser of line 10 and line 12a for Parent B ; >If worksheet S-2 for parenting time is completed, enter the lesser of line 11 and line 12a for each parent	0	157	
Costs & Adjustments Enter costs in column of parent who incurs cost	13a. Child care costs for joint children (see worksheet S-3)	0	0	
	13b. Medical expenses (not health care coverage costs - see 13c)	0	0	
	13c. Health care coverage	100	0	
	13d. Rebuttal amount applied, if any (amount by which cost of care should be increased or decreased for parent)(see worksheet S-4)	0	0	
	13e. Total Costs (add lines 13a, 13b and 13c for each parent; add or subtract line 13d)	100	0	
	14. Costs owed to Parent B (line 8, Parent A times line 13e, Parent B; if no Parent A, enter amount from line 13e)	0		
	15. Costs owed to Parent A (line 8, Parent B times line 13e, Parent A)		33	
	16. Monthly child support obligation after costs (line 12b, column 1 plus line 14 for Parent A and line 12b, column 2 plus line 15 for Parent B)	0	190	
	17. Net child support obligation (subtract smaller amount on line 16 from greater amount and enter result on line for parent with greater obligation; enter zero for other parent.)	0	190	
	Benefits Adjustment	18. If SSB or VB is received by Parent A as representative payee for joint child(ren) as a result of Parent B's disability or retirement		0
Computing a Final Obligation Ability to Pay Calculation	19. Total Child Support Obligation Parent A - enter figure from line 17, Parent A Parent B - line 17 minus line 18; if negative value, enter zero	0	190	
	20a. Enter modified gross monthly income (from line 4) for each parent.	5000	2500	
	20b. Self Support Reserve	884.00	884.00	
	20c. Each parent's income available for support (line 20a minus line 20b)	4116	1616	
	21. Monthly Child Support Obligation (enter the lesser of line 19 or line 20c)	0	190	
	21a. Rebuttal amount applied, if any (see worksheet S-4)	0	0	
	22. Total Monthly Child Support Obligation After Rebuttal (add or subtract line 21a from line 21) FOR MINOR CHILD	0	190	

**CHILD SUPPORT COMPUTATION
SUPPLEMENTAL WORKSHEETS**

WORKSHEET S-1 (PARENTING TIME FOR JOINT CHILD(REN))

	Column 1	Column 2	Column 3
	Name: <u>MOTHER</u> # of Overnights	Name: <u>FATHER</u> # of Overnights	Combined
1. Child #1 – MINOR DAUGHTER	200	165	
2. Child #2 - MINOR SON	20	345	
3. Child #3			
4. Child #4			
5. Child #5			
6. Child #6			
7. Child #7			
8. Child #8			
9. Child #9			
10. Child #10*			
11. Total parenting overnights (total the number of overnights each parent spends with the child(ren))	220	510	
12. Multiply 365 by the total number of joint children			730
13. Divide total parenting overnights from line 11, Column 1 by the total number of overnights in Column 3; enter result here	30.1%		
14. Divide total parenting overnights from line 11, Column 2 by the total number of overnights in Column 3; enter result here		69.9%	
15. Percentage of Parenting Time for Parenting Time Credit Enter the lesser of line 13 or line 14 in column of parent who has lesser percentage of overnights (if equal, enter line 13 in column 1 and line 14 in column 2)	30.1%	0	
<p>Parent A <u>FATHER - SCENARIO 4 (MINOR CHILDREN)</u> _____ (Parent with greater percentage of overnights)</p> <p>Parent B <u>MOTHER - SCENARIO 4 (MINOR CHILDREN)</u> _____ (Parent with lesser percentage of overnights) (If parties have equal parenting time, either party may be entered as Parent A or Parent B.)</p> <p>*if there are more than 10 children, compute on a separate sheet of paper</p>			

**CHILD SUPPORT COMPUTATION
SUPPLEMENTAL WORKSHEETS**

Parent A FATHER - SCENARIO 4 (MINOR CHILDREN)

Parent B MOTHER SCENARIO 4 (MINOR CHILDREN)

WORKSHEET S-2 (PARENTING TIME CREDIT)

Use this worksheet if overall parenting time from supplemental worksheet S-1 is 20% or greater for both parents, and/or if the parents have split custody.

	Parent A	Parent B	Combined
1. Basic Child Support Obligation (from CSCW, line 9)			912
2. Each parent's pro rata basic child support obligation (from CSCW, line 10)	608	304	
3. <i>If parenting time is equal for both parents (50/50)</i> , subtract the lesser pro rata obligation from the larger on line 2 and divide by two. Enter resulting figure in column for parent with larger pro rata obligation on line 2; enter zero in the column for the other parent. STOP here and transfer figures to CSCW, line 11. If this line does not apply, skip line 3 and continue to line 4a.	-	-	
4a. <i>If Parent B has parenting time equal to or greater than 20% but less than 50% and/or if the parents have split custody</i> , use the "Percentage of Parenting Time for Parenting Time Credit" as determined in worksheet S-1 to locate the "Percentage Range of Parenting Time" in the chart below; then find the corresponding "Adjustment Percentage". Enter that figure here.		16.1%	
4b. Credit for parenting time for Parent B (line 1 times line 4a)		147	
4c. Obligation after parenting time credit: >If line 2 for Parent B is greater than line 4b, subtract line 4b from line 2, Parent B and enter result here; otherwise enter zero.		157	
>If line 4b is greater than line 2 for Parent B, subtract line 2, Parent B from 4b and enter result here, otherwise enter zero.	0		
>Transfer figures from line 4c to CSCW, line 11 for each of the parents.			

Parenting Time Credit	
Percentage Range of Parenting Time	Adjustment Percentage
20% through 23.8%	10.5%
23.9% through 31.5%	16.1%
31.6% through 35.3%	19.5%
35.4% through 38.9%	25.3%
39% through 41.6%	30.7%
41.7% through 44.4%	36.2%
44.5% through 47.1%	42.2%
47.2% through 49.9%	48.6%

Child Support for the College Age Child Laws & Administrative Rules

107.108 Support or maintenance for child attending school. (1) In addition to any other authority of the court, the court may enter an order against either parent, or both of them, to provide for the support or maintenance of a child attending school:

(a) After the commencement of a suit for annulment or dissolution of a marriage or for separation from bed and board and before the judgment therein;

(b) In a judgment of annulment or dissolution of a marriage or of separation from bed and board; and

(c) During the pendency of an appeal taken from all or part of a judgment rendered in pursuance of ORS 107.005 to 107.086, 107.093 to 107.174, 107.405, 107.425, 107.445 to 107.520, 107.540, 107.610 or this section.

(2) An order providing for temporary support under subsection (1)(c) of this section may be modified at any time by the court making the judgment appealed from, shall provide that the support money be paid in monthly installments, and shall further provide that it is to be in effect only during the pendency of the appeal. No appeal lies from any such temporary order.

(3) If the court provides for the support and maintenance of a child attending school under this section, the child is a party for purposes of matters related to that provision.

(4) When the court orders support under this section or the administrator or an administrative law judge orders support for a child attending school under ORS 416.400 to 416.470, the court, administrator or administrative law judge shall order that the support be distributed to the child unless good cause is found for the distribution of the payment to be made in some other manner. When there are multiple children for whom support is ordered, the amount paid directly to a child under this subsection is a prorated share based on the number of children for whom support is ordered unless otherwise ordered by the court, administrator or administrative law judge. The Department of Justice shall adopt rules to define good cause and circumstances under which the administrator or administrative law judge may allocate support by other than a prorated share and to determine how support is to be allocated in those circumstances.

(5) A child for whom support has been ordered under this section:

(a) Must maintain the equivalent of a C average or better.

(b) Shall notify a parent paying support when the child ceases to be a child attending school.

(c) Shall submit to the department and the parent paying support, on a form

developed by the department, all information necessary to establish eligibility to receive support under this section, including grades earned and the courses in which the child is enrolled. The child shall submit the information required by this paragraph within the first month of each term or semester.

(6) If the child fails to comply with any of the requirements imposed on the child by this section and upon written notice from the obligor, the distribution of the support directly to the child ceases and may not be reinstated unless the parent paying support elects to continue to pay the support, in spite of the child's failure to comply with the requirements of this section, and notifies the department of the election in writing. If the underlying support order is for the support of more than one child, the parent shall pay the amount previously paid directly to the child to the recipient of the rest of the support until such time as the support order is modified. A child's failure to comply with the requirements imposed by this section is a substantial change of circumstances for purposes of modification of a support order.

(7) Orders entered into prior to October 4, 1997, may be modified to include the provisions of subsections (4) to (6) of this section. However, the fact that an order entered, or agreement entered into, prior to October 4, 1997, does not contain any of the provisions of subsections (4) to (6) of this section does not constitute a substantial change of circumstances for purposes of modifying a child support order.

(8) As used in this section, "child attending school" means a child of the parties who is unmarried, is 18 years of age or older and under 21 years of age and is a student regularly attending school, community college, college or university, or regularly attending a course of professional or technical training designed to fit the child for gainful employment. A child enrolled in an educational course load of less than one-half that determined by the educational facility to constitute "full-time" enrollment is not a "child attending school." [1973 c.827 §12b; 1981 c.669 §1; 1989 c.518 §1; 1995 c.343 §21; 1997 c.704 §51; 2003 c.73 §50a; 2003 c.75 §84; 2003 c.576 §110]

137-055-5110

Child Attending School Definitions

As used in OAR 137-055-5120 and 137-055-5125, the following terms have the meanings outlined below:

(1) "Child attending school" means a child of the parties who is unmarried, is 18 years of age or older and under 21 years of age and is a student regularly attending school. Unless the child otherwise qualifies as a child attending school, a child attending school does not include:

(a) A member of the Army, Navy, Air Force, Marine Corps, or Coast Guard (collectively known as the "armed forces") who is serving on active duty; or

(b) A member of the National Guard who is serving full-time National Guard duty.

(2) "Normal break" means:

(a) Summer semester or term;

(b) The period of time between graduation from or completion of high school and the beginning of the next regularly scheduled term, semester, or course of study at a school;

(c) The period of time between the end and beginning of regularly scheduled consecutive school semesters, terms, or courses of study; or

(d) Any other scheduled break between courses of study that is defined by the school as a normal break.

(3) "Quarterly" means annual quarters ending on March 31, June 30, September 30, and December 31. This is the reporting schedule the Child Support Program may require for a child who is attending a school which does not have traditional terms or semesters, or has courses which last longer than six months.

(4) "Regularly attending" means the child is enrolled in an educational course load of at least half-time as defined by the school.

(5) "School" means any of the following:

(a) An educational facility such as a high school, community college, four-year college, or university;

(b) A course of vocational or technical training, including Job Corps, designed to fit the child for gainful employment;

(c) A high school equivalency course, including (but not limited to), a General Educational Development (GED) program; or

(d) A school in grade 12 or below, including home schooling.

(6) "Termination of official accounting functions" means the Division of Child Support shall cease to perform billing, accrual, distribution, and record-keeping functions for ongoing support with regard to the child attending school. If the order is a class order and there is an additional child(ren) for whom ongoing support is still ordered, termination of official accounting functions means:

(a) Any support paid directly to such child will cease and will be redirected to the obligee; and

(b) Support accrual for such child will be prorated to the other child(ren) for whom ongoing support is still ordered.

Stat. Auth.: ORS 25.020; ORS 180.345

Stats. Implemented: ORS 25.020 and 107.108

Effective: July 1, 2004

137-055-5120

Support for Child Attending School - Oregon Orders Entered On or After October 4, 1997

(1) The purpose of this rule is to define how the Division of Child Support (DCS) will apply the provisions of ORS 107.108, regarding support or maintenance for a child attending school, in performing its official billing, accrual, distribution, and record-keeping functions for ongoing support when:

(a) The most recent order or modification for support was entered on or after October 4, 1997; and

(b) The order or modification provides for support until the child is age 21 so long as the child is a child attending school in accordance with ORS 107.108.

(2) The terms used in this rule shall have the meanings set out in OAR 137-055-5110.

(3) DCS shall perform its official billing, accrual, distribution, and record-keeping functions for each child on a support obligation who qualifies as a child attending school after attaining age 18, unless the child:

(a) has failed to comply with the provisions set out in section (4) of this rule and the administrator has received a written objection from the obligor; or

(b) has failed to provide written notification as provided in section (7) of this rule.

(4) Beginning with the first full term or semester after the child attains age 18, or the first full term or semester after a pre-October 4, 1997 order is modified to include post October 4, 1997 provisions as set out in ORS 107.108, whichever occurs later:

(a) The child must submit the completed Child Support Program (CSP) Child Attending School Compliance Form to the obligor and to the administrator. The completed compliance form must be received by the obligor and the administrator within 30 calendar days from the first official day of classes for each term or semester. If the 30th day falls on a state holiday, a Saturday, or a Sunday, the compliance form must be received by the next working day. For schools which do not have traditional terms or semesters, or have courses which last longer than six months, the administrator may require that a compliance form be submitted "quarterly" in addition to within 30 calendar days from the first day of class.

(b) The child must maintain the equivalent of a cumulative "C" grade average or better as defined by the school or, if the child is still attending high school the child may have either a cumulative "C" grade average or better or a "C" grade average or better for each term or semester after attaining age 18;

(c) The child must submit, to the obligor and to the administrator, copies of the grades

for the last term or semester and a list of courses in which the child is currently enrolled;

(d) If there has been a finding and order of nondisclosure on behalf of the child pursuant to ORS 25.020, the child may send the obligor's copy of the documents to the administrator for the administrator to forward to the obligor. The child must submit a copy of the documents to the CSP per the time periods set out in subsection (a) of this section. The administrator shall redact the following information prior to sending a copy of documents to the obligor:

(A) Residence, mailing or contact address including the school name and address;

(B) Social security number;

(C) Telephone number including the school telephone number;

(D) Driver's license number;

(E) Employer's name, address and telephone number; and

(F) Name of registrar or school official.

(5) Notwithstanding the form requirement of subsection (4)(a) of this rule, as of the Fall term or semester of 2002, the child may submit to the obligor and to the administrator, within the time frames set out subsection (4)(a) of this rule, the CSP Child Attending School Compliance Form with only the portion of the form "TO BE COMPLETED BY STUDENT/CHILD ATTENDING SCHOOL" completed, but the child must attach:

(a) An enrollment verification certificate from the school's contracted clearinghouse;

(b) Documentation from the school verifying grades of at least a cumulative "C" grade point average (or equivalent) as set out in subsection (4)(b) of this rule, such as:

(A) An official or unofficial transcript; or

(B) A report card which indicates a cumulative grade point average; and

(c) Copies of the grades for the last term or semester and a list of courses in which the child is currently enrolled.

(6) When a child is attending school and a "normal break" occurs between academic terms at the school, the obligor will continue to owe ongoing support and the DCS shall continue official accounting functions throughout such break if the case records show that the child intends to resume classes at the start of the first regular academic term following the break. The administrator may require the child to provide additional documentation if at least 120 days have passed since the end of the child's last term or semester.

(7) At least 30 days prior to the child's 18th birthday, the administrator shall send written notification to the obligee, the child, and, if appropriate, the Oregon Youth Authority (OYA) that unless the obligee or the child sends written notification to the administrator prior to the child's 18th birthday that the child will continue to attend school, DCS will terminate official accounting functions effective the date the child attains age 18.

(8) Upon receipt of the written notification from the obligee or the child that the child will continue to attend school, the administrator will send the Child Attending School Compliance Requirements, along with a copy of the CSP Child Attending School Compliance Form, to the parties and the child. Such notice shall:

(a) List all of the compliance requirements to continue to receive support as a child attending school;

(b) Include objection information;

(c) Advise the parties of their right to a change in circumstance modification in accordance with OAR 137-055-3420;

(d) Include distribution information for distributing support directly to the child; and

(e) Include information for the child to make a claim of risk for nondisclosure of information pursuant to ORS 25.020 and OAR 137-055-1160.

(9) DCS shall distribute support directly to the child unless good cause is found to distribute support in some other manner. For purposes of this section "good cause" may include:

(a) The child is in the care of the Oregon Youth Authority (OYA);

(b) The child provides written authorization for distribution to the obligee; or

(c) The court, administrative law judge or administrator orders otherwise.

(10) When there are multiple children for whom support is ordered, the amount paid directly to the child under section (9) of this rule shall be a prorated share.

(11) If a child attending school is in the care of OYA, any and all reporting duties of the child as outlined in this rule shall be the duty of OYA.

(12) DCS shall terminate official accounting functions on the case when one of the following conditions occurs:

(a) The obligee or child fails to provide written notification as required under section (7) of this rule;

(b) The child has failed to comply with section (4) of this rule, and the obligor has submitted a written objection under section (15) of this rule;

(c) During a normal school break, the child has failed to provide additional documentation as requested under section (6) of this rule;

(d) The child sends written notice that the child no longer qualifies as a child attending school; or

(e) The child fails to provide a valid compliance form within 30 calendar days from the date of a written notice from the administrator advising that an authorized representative of the school sent a written notice to the administrator that the child no longer qualifies as a child attending school.

(f) The child fails to provide a valid compliance form within 30 calendar days from the date of a written notice from the administrator advising that OYA has notified the administrator that the child is no longer in the care of the OYA.

(13) Once DCS terminates official accounting functions on the case, the official accounting functions cannot be resumed except as provided in section (16) of this rule.

(14) When the administrator receives written notification from the child or authorized representative of the school that the child is no longer qualifies as a child attending school or notification from OYA that the child is no longer in the care of OYA, the DCS shall terminate official accounting functions on the case for any such child effective the date the notice is received by the administrator.

(15) If an obligor submits a written objection asserting that the child no longer is attending school, the administrator shall review the official records for compliance. The administrator will presume that the child's statutory reporting requirements as outlined in section (4) of this rule have been fulfilled if the administrator has record of a completed compliance form with any required documentation for the current or most recent, as appropriate, term or semester.

(a) If compliance has occurred according to case records, the administrator shall send a copy of the proof of compliance to the obligor. If there has been a finding and order of nondisclosure on behalf of the child pursuant to ORS 25.020, the administrator shall redact the following information prior to sending a copy to the obligor:

(A) Residence, mailing or contact address including the school name and address;

(B) Social security number;

(C) Telephone number including the school telephone number;

(D) Driver's license number;

(E) Employer's name, address and telephone number; and

(F) Name of registrar or school official.

(b) If compliance has not occurred according to case records, DCS shall terminate official accounting functions on the case for any such child effective the date the administrator receives the obligor's written objection and shall notify all parties of this termination.

(16) In any case, up until the child attains the age of 21, DCS shall resume official accounting functions upon receipt of a written statement from the obligor that the obligor wishes to continue paying ongoing support for such child. If such verification occurs, DCS shall inform all parties and resume its official accounting functions effective the payment due date following receipt of such verification. If the obligor later decides to stop paying ongoing support for such child, the obligor shall provide a written statement to the administrator and DCS shall terminate official accounting functions on the case for any such child effective the date the administrator receives the obligor's written statement and shall notify all parties of this termination.

(17) In any case, the administrator shall honor the provisions of a court or administrative order to reinstate or terminate the duty of support to a "child attending school" under ORS 107.108.

(18) If the most recent order or modification for support cites ORS 107.108 or otherwise provides for support of a "child attending school," the administrator shall follow the provisions of ORS 107.108 and this rule, regardless of other child attending school provisions that may be in the support order.

Stat. Auth.: ORS 25.020 and section 2, chapter 73, Oregon Laws 2003

Stats. Implemented: ORS 107.108

Effective Date: October 1, 2003

137-055-5125

Support for Child Attending School - Oregon Orders Entered Prior to October 4, 1997

(1) The purpose of this rule is to define how the Child Support Program (CSP) will apply the provisions of ORS 107.108 regarding support or maintenance for a child attending school, in performing its official billing, accrual, distribution, and record-keeping functions for ongoing support when:

(a) The last order or modification for support was entered prior to October 4, 1997; and

(b) The order or modification provides for support until the child is age 21 so long as the child is a child attending school in accordance with ORS 107.108.

(2) The terms used in this rule shall have the meanings set out in OAR 137-055-5110.

(3) The Division of Child Support (DCS) shall perform its official billing, accrual, distribution, and record-keeping functions for each child on a support obligation who qualifies as a "child attending school" after attaining age 18, unless the obligee or the child has failed to provide written notification as provided in sections (5) and (11) of this rule.

(4) When a child is attending school and a "normal break" occurs between academic terms at the school, the obligor will continue to owe ongoing support and DCS shall continue official accounting functions throughout such break if the case records show that the child intends to resume classes at the start of the first regular academic term following the break.

(5) At least 30 days prior to the child's 18th birthday, the CSP shall send written notification to the obligee, the child, and, if appropriate, the Oregon Youth Authority (OYA) that unless the obligee or the child sends written notification to the CSP prior to the child's 18th birthday that the child will continue to attend school, DCS will terminate official accounting functions effective the date the child attains age 18.

(6) Upon receipt of the written notification from the obligee or the child that the child will continue to attend school, the CSP will send the Child Attending School Compliance Requirements to the parties and the child. Such notice shall:

(a) List all of the compliance requirements to continue to receive support as a child attending school;

(b) Include objection information;

(c) Advise the parties of their right to a change in circumstance modification in accordance with OAR 137-055-3420; and

(d) Include information for the child to make a claim of risk for nondisclosure of information pursuant to ORS 25.020 and OAR 137-055-1160.

(7) Support shall be distributed to the child only upon order of the court or written permission of the obligee.

(8) The obligor, obligee and a child who has attained age 18 and is a child attending school may enter into a written agreement to apply the provisions which are applicable to support orders and modifications entered on or after October 4, 1997, as outlined in OAR 137-055-5120.

(9) DCS shall terminate official accounting functions on the case when one of the following conditions occurs:

(a) The obligee or child fails to provide written notification as required under section (5) of this rule;

(b) The obligor has submitted a written objection under section (11) of this rule and the obligee or child has failed to provide compliance documents as required by that section;

(c) The obligee or child sends written notice that the child no longer qualifies as a child attending school; or

(d) The obligee or child fails to provide a valid compliance form within 30 calendar days from the date of a written notice from the CSP advising that an authorized representative of the school sent a written notice to the CSP that the child no longer qualifies as a child attending school.

(e) The child or the obligee fails to provide a valid compliance form within 30 calendar days from the date of a written notice from the CSP advising that OYA has notified the CSP that the child is no longer in the care of the OYA.

(10) When the CSP receives written notification from the obligee, child or authorized representative of the school that the child is no longer enrolled in school at least half time or notification from OYA that the child is no longer in the care of OYA, DCS shall terminate official accounting functions on the case for any such child effective the date the notice is received by the CSP.

(11) If an obligor submits a written objection asserting that the child no longer is attending school, the administrator shall send written notification to the obligee and child that a completed CSP Child Attending School Compliance Form must be received within 30 calendar days from the date of the administrator's written notification.

(a) If a valid compliance form is received within 30 days, the administrator will send a copy to the obligor. If there has been a finding and order of nondisclosure on behalf of the child pursuant to ORS 25.020, the administrator shall redact the following

information prior to sending a copy to the obligor:

(A) Residence, mailing or contact address including the school name and address;

(B) Social security number;

(C) Telephone number including the school telephone number;

(D) Driver's license number;

(E) Employer's name, address and telephone number; and

(F) Name of registrar or school official.

(b) If the compliance form is not received within 30 days or does not show that child is in compliance, DCS shall terminate official accounting functions on the case for any such child effective the date the CSP receives the obligor's written objection, and shall notify all parties of this termination.

(12) The CSP shall resume official accounting functions for the child anytime prior to the child attaining the age of 21, if the obligee or child submits a valid CSP Child Attending School Compliance Form showing that the child is currently enrolled in school at least half time.

(a) Official accounting functions shall resume effective the date the CSP receives the completed form.

(b) The administrator shall establish arrears in accordance with OAR 137-055-3240, only upon the request of the obligee.

(13) Notwithstanding the CSP Child Attending School Compliance Form requirement of sections (11) and (12) of this rule, as of the Fall term or semester of 2002, the child may submit this Compliance Form with only the portion "TO BE COMPLETED BY STUDENT/CHILD ATTENDING SCHOOL" completed; but the child must attach an enrollment verification certificate from the school's contracted clearinghouse to the Compliance Form.

(14) In any case, up until the child attains the age of 21, DCS shall resume official accounting functions upon receipt of a written statement from the obligor that the obligor wishes to continue paying ongoing support for such child. If such verification occurs, the CSP shall inform all parties and resume official accounting functions effective the payment due date following receipt of such verification. If the obligor later decides to stop paying ongoing support for such child, the obligor shall provide a written statement to the CSP. The CSP shall treat such statement as an objection received under section (11) of this rule.

(15) In any case, the CSP shall honor the provisions of a court or administrative order to reinstate or terminate the duty of support to a "child attending school" under ORS 107.108

(16) If the most recent order or modification for support cites ORS 107.108 or otherwise provides for support of a "child attending school," the CSP shall follow the provisions of ORS 107.108 and this rule, regardless of other child attending school provisions that may be in the support order.

Stat. Auth.: ORS 25.020 and section 2, chapter 73, Oregon Laws 2003

Stats. Implemented: ORS 25.020 and 107.108

Effective Date: October 1, 2003