

**137-050-0750**  
**Medical Support**

(1) The **basic support obligation** scale (see OAR 137-050-0725 and its appendix) includes ordinary unreimbursed medical costs of \$250 per child per year. These costs represent everyday expenses such as **bandages, non-prescription medication, and co-pays for doctor's well visits. The basic support obligation does not account for health insurance premiums or for extraordinary medical expenses.** ~~are included in the support obligation and prorated between the parents in the support calculation performed under OAR 137-050-0710.~~

(2) **"Cash medical support", as used in OAR 137-050-0700 through 137-050-0765, means an amount that a parent is ordered to pay to defray the cost of health care coverage provided for a child by a public body, or to defray uninsured medical expenses of the child.**

(3) **For purposes of this rule, "to provide" health care coverage means to apply to enroll the child and pay any costs associated with the enrollment, even if the cost to the parent is zero.**

(4) **For purposes of ORS 25.323, private health care coverage may be "available" to a parent from any source, including but not limited to an employer or a spouse or domestic partner.**

(25) In addition to the definitions in ORS 25.321 and 25.323, "reasonable in cost" means that:

(a) **Private health care coverage costs no more than the total of four percent of the adjusted income of each parent, or a lower amount if limited by the parent's income available for support after deducting the parent's shares of basic support obligation and child care costs. The reasonable cost contribution of a parent whose income is at or below the Oregon minimum wage for full-time employment is zero, and that parent may be ordered to provide coverage only if coverage is available at no cost.** ~~The cost to a parent of cash medical support or private health insurance is not more than four percent of the parent's adjusted income as determined in OAR 137-050-0720. A greater amount may be ordered if compelling factors support a finding that a higher cost is reasonable;~~

(b) **Compelling factors may support a health care coverage cost amount over four percent so long as the providing parent has income greater than full-time employment at the Oregon minimum wage.**

(c) **The obligor's cash medical support obligation is four percent of the obligor's adjusted income, or a lower amount if limited by the parent's available income after deducting the parent's shares of basic support obligation and child care costs. A parent whose income is equal to or less than the Oregon minimum wage**

~~for full-time employment has no cash medical support obligation.~~ The cost to the obligated parent of cash medical support or of the parent's share of the cost for private health insurance does not exceed the amount of the parent's income determined in OAR 137-050-0745(2) to be available for medical support; and

~~(c) Except as provided in section (3), the parent's income is greater than the Oregon minimum wage for full-time employment~~

~~(3) If the parent's income is equal to or less than Oregon minimum wage for full-time employment, health care coverage at no cost is reasonable in cost.~~

~~(46) In applying the reasonable in cost standard to private health care coverage, **consider** only the cost of covering the child for whom support is sought will be considered. If **the cost of** family coverage is provided for the joint child and **also includes** other family members, prorate the out-of-pocket cost of any premium for **and consider only the portion for** the child for whom support is sought only.~~

~~(57) If only one parent has private health care coverage that is appropriate and available under ORS 25.323, that parent must be ordered to provide it.~~

~~(68) If both parents have access to appropriate, available private health care coverage, **the parent with the greater share of parenting time as determined in OAR 137-050-0730 (Parenting Time Credit) may select which coverage will be ordered.** both parents may be ordered to provide coverage. If both parents provide coverage, neither parent will be ordered to reimburse the other for the cost of the premium, except as provided in section (11).~~

~~(a) **If each parent has exactly 50% or 182.5 overnights of parenting time, or the parent with the greater share of parenting time does not select between the parents' coverage, and the parents do not agree on which policy should be ordered, the policy with the lower out-of-pocket premium cost will be ordered unless the court, administrator, or administrative law judge makes a finding that the more expensive policy should be ordered.**~~

~~(b) **The parents may agree that both parents will be ordered to provide private coverage if both parents have appropriate coverage available so long as the total coverage to be provided is reasonable in cost under section 5 of this rule.**~~

~~(79) **If the child lives with a caretaker, the caretaker may select between the caretaker's private coverage and either parent's private coverage, so long as the coverage is reasonable in cost under section 5 of this rule. The parties may agree to provide more than one party's coverage so long as the total coverage to be provided is reasonable in cost under section 5 of this rule.** If the obligee is ordered to provide private health care coverage and the obligor is not, the obligor must be ordered to pay cash medical support that is reasonable in cost to defray the cost of the premium and other medical expenses, or the order must include a finding explaining~~

~~why cash medical support is not ordered.~~

~~(810) If neither parent has access to appropriate, available private health care coverage:~~

~~(a) One or both parents must be ordered to provide **appropriate** private health care coverage at any time whenever it becomes available;~~

~~(b) The party with custody of the child may be ordered to provide public health care coverage for the child; and~~

~~(c) Either or both parents **who are found to have a cash child support obligation for minor children as provided in OAR 137-050-0710(k)** must be ordered to pay cash medical support that is reasonable in cost, or the order must include a finding explaining why cash medical support is not ordered.~~

~~(9) For purposes of this rule, “to provide” health care coverage means to apply to enroll the child and pay any costs associated with the enrollment, even if the cost to the parent is zero.~~

~~(1011) **Cash medical support is assigned to the state for any month the child receives Medicaid benefits as described in OAR 461-120-0310.** If the child is not in the custody of either parent and cash medical support is or will be ordered as provided in section (8) of this rule, the agency or person with legal or physical custody of the child is considered the parent for the purposes of receipt or assignment of cash medical support.~~

~~(1112) A medical support clause may **order an obligor to provide appropriate private health care coverage whenever it is available, and to pay cash medical support whenever the obligor does not provide appropriate private health care coverage.** be contingent in that it may order a party to provide private health care coverage and may order an amount of cash medical to be paid any time private health care coverage is unavailable to that party. If cash medical support is ordered due to private health care coverage being unavailable to a party, the order may also provide that any time private health care coverage is available to that party it will be provided instead of cash medical support.~~

~~(1213) **Determine each parent’s share of the cost of health insurance premiums by multiplying the total out-of-pocket cost of premiums to be ordered under this rule by each parent’s percentage share of the parents’ combined reasonable in cost limitation, as determined in section 5(a) of this rule.**~~

~~For purposes of ORS 25.323, private health care coverage may be “available” to a parent from any source, including but not limited to an employer or a spouse or domestic partner.~~

~~**(a) If only one parent has income above the minimum wage, that parent is**~~

**responsible for the cost of all premiums. No share of the premium is apportioned to a parent with income at or below minimum wage.**

**(14) When enforcing the health insurance provision of a child support judgment entered under this rule, health insurance is reasonable in cost if the premium cost for the child is equal to or less than the amount that was determined reasonable in cost under section 5(a) of this rule based on both parents' income at the time support was calculated, regardless of whether that cost exceeds either:**

**(a) The providing parent's individual contribution to the reasonable cost cap, or**

**(b) The actual cost of insurance allocated to the providing parent under section 13 of this rule.**

Stat. Auth.: ORS 25.270 – 25.290, 25.323, 180.345

Stats. Implemented: ORS 25.270 – 25.290, 25.321 – 25.343

Effective date: