



Oregon Department of Justice

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Division of Child Support

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We distribute the notice of rulemaking by mailing a paper copy or by e-mail. If you now receive a paper copy and would prefer to receive future Child Support Program notice of rulemaking mailings via e-mail instead of paper copy, please let us know by sending an email to lori.woltring@doj.state.or.us.

OREGON CHILD SUPPORT ADMINISTRATIVE RULES

To Interested Persons:

We have filed a notice of proposed rulemaking hearing and corresponding statement of need and fiscal Impact (copies enclosed) with the Secretary of State's office. A public hearing is scheduled in the Child Support Program Administration office on **Wednesday, November 28, 2012 at 1:30 p.m.** Public attendance by phone will also be possible, but due to the limited capacity of the conference line, attendance by phone will be limited if large numbers of the public call in. The last date for written public comment on the proposed changes is **Thursday, November 29, 2012 at 5:00 p.m.**

A summary of the rule changes related to each rule follows. This summary is provided as a courtesy only and may not be a complete statement of the rule changes. You may access the proposed rules at: http://www.dcs.state.or.us/oregon_admin_rules/.

OAR 137-050-0700 General Provisions: This rule is amended to clarify that support for a child attending school age 18 and not yet 19, living with a parent and attending high school, is calculated in the same manner as a minor child. This rule also clarifies the effective date of the new Guidelines.

OAR 137-050-0710 Calculating Child Support: This rule is amended to update the method for calculating child support. It incorporates a running total of available income through the calculation to protect the parents' self-support reserves; credits parents for out-of-pocket child care and health care costs at the end of the calculation; applies parenting time and child care adjustments to the minor children only, but recombines support for minor children and children attending school to provide a single guideline amount for all children; and for an obligee, produces a cash child support and cash medical support obligation, if appropriate, only if there is a child attending school.

OAR 137-050-0715 Income: This rule is amended to clarify what is included in income and to provide more flexibility for using imputed and actual income, or a combination of the two, to determine income.

OAR 137-050-0720 Adjusted Income: This rule is amended to deduct the parent's own health insurance premium on all cases, regardless of whether the parent must be enrolled in order to insure

the children; replaces the term “additional child” with “non-joint” child; and changes the method for calculating the non-joint child credit.

OAR 137-050-0725 Basic Support Obligation: This rule is amended to clarify that the scale is based on childrearing expenditures relative to family income; Removes the provision regarding which parent is presumed to take the tax exemption for income tax purposes; and clarifies that the basic support amount may not exceed the amount of income a parent has available after subtracting the self-support reserve.

OAR 137-050-0730 Parenting Time Credit: This rule is amended to allow parenting time credit for minor children only; the 1.5 multiplier and 25% parenting time threshold for credit are replaced with a graduated curve, providing a credit for even minimal parenting time.

OAR 137-050-0735 Child Care Costs: This rule is amended to clarify how child care costs are calculated and prorated between the parents, clarify that a caretaker's child care expenses are included, and update cost limits to current Department of Human Services levels. Subsidized child care expenses are no longer included, and the child care tax credit adjustment is removed.

OAR 137-050-0740 Social Security & Veterans' Benefits: This rule is amended to clarify that the cash child support obligation may be reduced in consideration of certain benefits. It further clarifies that a parent will only receive credit for benefits paid to the child or child's custodian, when the payment is the result of the parent's own disability or benefit.

OAR 137-050-0745 Self-Support Reserve: This rule is amended to clarify that except for a court, administrative law judge, or administrator finding compelling reason to exceed 4% of a parent's income for health care coverage or cash medical, the basic support obligation, child care costs, health insurance, and cash medical support may not exceed the parent's available income.

OAR 137-050-0750 Medical Support: This rule is amended to change the method used for determining whether health care coverage is reasonable in cost. It determines each parent's individual responsibility for health insurance, assesses whether available insurance is reasonable in cost based on the parents' combined responsibility, and apportions the cost between the parents.

OAR 137-050-0755 Minimum Order: This rule is amended to replace the term “50 percent parenting time” with “exactly 182.5 annual average overnights,” and to clarify that the minimum order only acts to increase to a total of \$100 the obligation of an already-obligated parent.

OAR 137-050-0760 Rebuttals: This rule is amended to provide instruction for use of rebuttals and adds a new rebuttal provision regarding support for a child attending school.

OAR 137-050-0765 Agreed Support Amount: This rule is amended to allow parties to agree to an amount within 15 percent of the amount determined by the Guidelines, rather than 10 percent.

137-055-4620 Enforcing Health Care Coverage and Cash Medical Support: This rule is being amended to include revised medical support provisions from OAR 137-055-3340, which is being repealed. It also allows a parent to choose to exceed his/her “reasonable in cost” cap to provide health insurance.

If you have questions, you may contact Lori Woltring, via e-mail at lori.woltring@doj.state.or.us, by phone at 503-947-4367, or by fax at 503-947-2578.

Sincerely,

Lori Woltring
Rules Coordinator

Enclosures