

## **137-055-3340**

### **Establishment or Modification of Medical Child Support**

(1) For the purposes of establishing or modifying medical child support, the definitions in ORS 25.321, OAR 137-050-0320, OAR 137-050-0410, OAR 137-050-0430 and OAR 137-055-1020 apply.

(2) In any action to establish or modify an Oregon child support order when support enforcement services are being provided under ORS 25.080, the administrator will seek an order requiring one or both parties to provide appropriate health care coverage as set out in OAR 137-050-0410.

(3) If the administrator finds that neither party has access to appropriate health care coverage the administrator will include in the order a provision requiring one or both parties to provide appropriate health care coverage when such coverage becomes available and a provision that the obligor will provide an amount towards cash medical support pursuant to OAR 137-050-0430.

(4) To ensure that the information necessary to calculate an appropriate order is made available the administrator will, at a minimum, take the following actions:

(a) Attempt to contact the obligor or obligee, or any current employer of the obligor or obligee to verify earnings. Attempt to verify the availability and cost of health care coverage for the child(ren) included in the order; and

(b) Submit with the petition, contested case notice, or motion served on the parties, a document designed to obtain information regarding the income, availability of health care coverage for the child(ren) included in the order, and other factors that may affect the amount of child support ordered. The document will include:

(A) A notice to any obligee who has not assigned child support or medical child support to the state that the obligor will be ordered to provide appropriate health care coverage for the child unless both parties are able to provide appropriate health care coverage, then the obligee may elect to provide appropriate health care coverage and provides proof of such coverage. The notice will further state that the amount of monetary child support may be decreased by a pro rata share if the obligor provides appropriate health care coverage, or increased by a pro rata share if the obligee provides appropriate health care coverage;

(B) A notice stating that when child support or medical child support is assigned, unless the child(ren) already has appropriate health care coverage, the administrator will seek an order requiring the obligor to provide an amount towards cash medical support pursuant to OAR 137-050-0430, and that the support order entered will be increased by the amount of the obligor's pro rata share of the cost of the cash medical support.

Stat. Auth.: ORS 25.080 and 180.345

Stats. Implemented: ORS 25.080, 25.270 - 25.343

Effective Date: October 1, 2007