

137-050-0730

Parenting Time Credit

(1) For the purposes of this rule, “split custody” means that there are two or more children and each parent has at least one child more than 50 percent of the time.

(2) If there is a current written parenting time agreement or court order providing for parenting time, the percentage of overall parenting time for each parent must be calculated as follows:

(a) Determine the average number of overnights using two consecutive years.

(b) Multiply the number of children by 365 to arrive at a total number of child overnights. Add together the total number of overnights the parent is allowed with each child and divide the parenting time overnights by the total number of child overnights.

(c) Notwithstanding the calculation provided in subsections (2)(b) and (2)(c), the percentage of parenting time may be determined using a method other than overnights if the parents have an alternative parenting time schedule in which a parent has significant time periods where the child is in the parent’s physical custody but does not stay overnight. For example, in lieu of overnights, 12 continuous hours may be counted as one day. Additionally, four-hour up to 12-hour blocks may be counted as half-days, but not in conjunction with overnights. Regardless of the method used, blocks of time may not be used to equal more than one full day per 24-hour period.

(3) If the parents have split custody but no written parenting time agreement, determine each parent’s percentage share of parenting time by dividing the number of children with the parent by the total number of children.

(4) If there is no written parenting time agreement or court order providing for parenting time, the parent or party having primary physical custody will be treated as having 100 percent of the parenting time, unless a court or administrative law judge determines actual parenting time.

(5) If the court or administrative law judge determines actual parenting time exercised by a parent is different than what is provided in a written parenting plan or court order, the percentage of parenting time may be calculated using the actual parenting time exercised by the parent.

(6) If each parent’s parenting time is at least 25 percent, or the child resides with a caretaker or is in the care of a state agency and the obligated parent has at least 25 percent parenting time, a parenting time credit will be calculated as follows:

(a) Multiply the combined basic child support obligation by 1.5 (150 percent); and

(b) Except as provided in subsection (c), multiply each parent’s percentage share of

parenting time by the combined basic child support obligation in subsection (a). The result is the amount of credit to be subtracted from the obligation determined in subsection (a) for each parent;

(c) If the child resides with a caretaker or is in the care of a state agency, multiply the obligated parent's percentage share of parenting time by the combined basic child support obligation in subsection (a). The result is the amount of credit to be subtracted from the obligation determined in subsection (a).

(7) The parenting time credit is applied to the entire support obligation, including any support obligation for a child attending school.

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Stats. Implemented: ORS 25.270 – 25.290

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