

137-050-0750
Medical Support

(1) The scale (see OAR 137-050-0725 and its appendix) includes ordinary unreimbursed medical costs of \$250 per child per year. These costs are included in the support obligation and prorated between the parents in the support calculation performed under OAR 137-050-0710.

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

(a) 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) The cost to the obligated parent of cash medical support or 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.

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

(5) 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.

(6) If both parents have access to appropriate, available private health care coverage, 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).

(7) 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.

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

(a) One or both parents must be ordered to provide 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 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.

(10) 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.

(11) A medical support clause may 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.

(12) 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.

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

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

Effective date: January 3, 2012