

137-050-0745
Self-Support Reserve

- (1) The support calculation must leave an obligated parent enough income to meet his or her own basic needs.¹
- (2) To determine the amount of the parent's income available for support ("available income"), subtract the self-support reserve of \$1,418 from the parent's adjusted income.
- (3) The parent's total obligation, including the parent's shares of the basic support obligation, child care costs, health insurance, and cash medical support, may not exceed the parent's available income, except as provided in OAR 137-050-0750(7).
- (4) The limitation on support described in this rule is reflected in the specific provisions of OAR 137-050-0710 (Calculating Support), OAR 137-050-0725 (Basic Support Obligation), OAR 137-050-0735 (Child Care Costs), and OAR 137-050-0750 (Medical Support).²
- (5) The amount of the self-support reserve is based on the federal poverty guideline, multiplied by 1.167 to account for estimated taxes, and rounded to the nearest whole dollar. This rule will be reviewed and updated annually to reflect changes in the federal poverty guideline.

Stat. Auth.: ORS 25.275, 25.280, 180.345

Stats. Implemented: ORS 25.275, 25.280

Effective date: July 1, 2023

¹ Commentary: Research suggests that an obligor is more likely to pay child support if the order is within the obligor's means. A smaller amount of support that is actually paid is of greater value to the child than a higher support order that goes unpaid. Accumulating arrears without ability to pay is a disincentive to paying current support. *see, e.g.,* Margot Bean, *Story Behind the Numbers: Understanding and Managing Child Support Debt*, Information Memorandum 08-05, Office of Child Support Enforcement, available at http://www.acf.hhs.gov/sites/default/files/ocse/im_07_04c.pdf

² Commentary: Subsection 1 provides the underlying principle that, notwithstanding the \$100 minimum order, parents are allowed to meet their own subsistence needs before allocating their income to child support, including health care coverage costs. Subsection 3 explains that this includes costs in which the parent is sharing and describes the exception. Subsection 4 explains that the basic rule is implemented throughout the guideline rules.