

**137-055-3485**

**Establishment or Modification for a Child Who Is Approaching or Has Reached 18 Years of Age**

(1) For purposes of this rule, “support” includes past support, current support, and support for the time a child is expected to be a child attending school pursuant to ORS 107.108.

(2) The administrator may not initiate the establishment of paternity or support for a child after the child turns 18 years old.

(3) Legal proceedings initiated before a child turns 18 years old may continue after the child has turned 18 years old.

(4) The administrator may initiate modification of a support obligation for a child approaching age 18 only if four or more months of support will be impacted.

(5) The administrator may initiate modification of a support obligation for a child attending school, as defined in OAR 137-055-5110, but may only order cash child support or cash medical support from a parent previously or currently ordered to pay either cash child support or cash medical support in an amount greater than zero for that child, and only if four or more months of support will be impacted.

(6) When an order is being modified in accordance with section (5) of this rule, one or both parents may be ordered to provide health care coverage for a child attending school regardless of whether they have previously been ordered to provide cash child support or cash medical support.

(7) If an order was modified and did not include support provisions for an adult child because the child was 18, 19, or 20 years old and was not qualified as a child attending school, as defined in OAR 137-055-5110, the order can be modified to include cash child support for the child if the child now qualifies as a child attending school, and only if four or more months of support will be impacted.

(8) A child will be removed from a class order calculation when the child’s pro rata share of cash child support is less than the Survivor’s and Dependent’s Educational Assistance benefits the child receives pursuant to 38 U.S.C. Chapter 35 as a result of the paying parent’s disability or retirement. No support provisions for that child will be included in the order, and the order must contain a finding that explains why support provisions were not included.

Stat. Auth.: ORS 25.080, 25.550 & 180.345

Stats. Implemented: ORS 25.010, 25.080, 25.287, 25.505, 25.527, 107.105, 107.108, 107.135, 109.100, 109.510, 109.704, 110.503, 412.001, 418.001, 419B.400 & 419C.590

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