

# THE CHILD SUPPORT PROGRAM IN OREGON

Published for:

Oregon Child Support Program

by

The Department of Justice  
Division of Child Support

Revised September 20, 2012

CSF BR 9051

## PRIVACY ACT NOTICE

You are required to provide your Social Security number to the Child Support Program. Your Social Security number will be used by the Child Support Program as one of the ways to find your records to set up paternity, and to set up, change and carry out support obligations. You may be asked for your case number or your Social Security number when you call the Program so that we are able to correctly identify your case. We may also ask for your Social Security number on forms you need to complete in order for the Program to help you. Providing your Social Security number is also required by federal law [42 USC §405(c)(2)(C) and 42 USC §666(a)(13)].

---

If you need this form in large print, Braille, audio tape, CD, or by voice presentation, please call your local child support office. If you know someone who needs this in one of these formats, please let him or her know it is available.

---

Discrimination based on age, race, color, sex, religion, national origin or disability will not occur against anyone in any part of the Child Support Program. You can file a complaint if you think discrimination occurred against you in the Child Support Program.

You can find updated information on the internet by visiting any of the sites listed below:

[oregonchildsupport.gov](http://oregonchildsupport.gov)

[oregon.gov/DHS/children](http://oregon.gov/DHS/children) (Click on "child support")

Any Oregon county District Attorney office website: [oregonchildsupport.gov/offices](http://oregonchildsupport.gov/offices)

PUBLISHED BY  
The Department of Justice  
Division of Child Support  
**Oregon Child Support Program**

This booklet explains Oregon's Child Support Program and its services, who provides them, who is entitled to services, and how you can access the services. For more information, use the contact information on page 12 of this booklet to contact the Child Support Program.

### ***What is the Child Support Program?***

Federal law requires each state to have a child support program. In Oregon, the Department of Justice Division of Child Support oversees the program, which also includes many District Attorney offices throughout the state. The Child Support Program works to improve the well-being of children by providing high quality child support services to families.

### ***How do I get services?***

If your child receives public assistance benefits, including Medicaid such as the Oregon Health Plan (OHP), your child support case will be automatically referred to the Division of Child Support. This also will happen if your child is in the custody of the Department of Human Services (DHS) or the Oregon Youth Authority (OYA).

If your child does not receive public assistance benefits, you can apply for Child Support Program services. One resource to assist you is the District Attorney office in the county where you live. You will be asked to fill out an application and charged a one-time, \$1 fee for this service. The fee will be taken out of the first child support payment collected by the Child Support Program.

The Child Support Program will collect a \$25 fee from the support collected as required by federal law. The fee will be charged each year that the Child Support Program has sent the family at least \$500 in child support payments within a federal fiscal year (October 1 through September 30). The fee will be collected only in cases in which the party receiving support, or the child, has never received "cash assistance" benefits from any state. "Cash assistance" means only TANF (Temporary Assistance to Needy Families) or AFDC (Aid to Families with Dependent Children). It does not include food stamps, housing subsidies, general assistance, or Social Security income or Veterans'

Administration benefits. If the child support program does not collect at least \$500 in a federal fiscal year, there is no fee for that year.

### ***Who provides services?***

Generally, Department of Justice Division of Child Support will provide child support services, if you:

- receive public assistance benefits in Oregon, or
- received public assistance benefits in the past, or
- have a child in the care of DHS or OYA.

Public assistance means Temporary Assistance to Needy Families (TANF) or Medicaid (including Oregon Health Plan services).

The Division of Child Support also provides billing and accounting services on all Child Support Program cases. If you are calling within Oregon, there is a 24-hour toll-free number to help answer questions about payments. You can also access your own accounting information on the website. The toll-free number and website are listed on the back of this booklet.

If you have not received public assistance benefits, you can access child support services from the District Attorney in the county where you live. In a few counties, the Division of Child Support provides services for the District Attorney.

### ***What if I already have a support order?***

Services such as a review and change (modification) of your order may be handled in the county where the order was filed or where either party lives. You should check with your enforcing agency (the Division of Child Support or local District Attorney) for more information.

### ***Who is entitled to child support services?***

Child support services are available to both parents. Even if you or the other parent lives in another state, you can apply for services in Oregon. Relatives or other caretakers who have physical custody of a child are also entitled to child support services.

## ***When should I apply for child support services?***

Every child has the right to have the financial support of both parents. The Child Support Program may be able to help if you need to:

- Establish who is the legal father of a child
- Find the other parent for purposes of getting support
- Get a child support order established
- Get medical child support for a child, which includes health care coverage and/or cash medical support
- Change an existing support order
- Determine the amount of past-due child support
- Collect child support payments

## ***What is cash medical support?***

Parents are required to provide health care coverage if it is available and reasonable in cost. A parent may be ordered to pay a cash amount towards the cost of health care coverage and uninsured medical expenses.

A parent may not be ordered to pay to provide health care coverage or cash medical support if the parent's income is at Oregon minimum wage or below.

## ***What services does the Child Support Program provide?***

### ***Accounting:***

- Sends monthly billing statements to the parent who owes support, showing the current amount due and any past-due amounts, until payments are received through income withholding or electronic payment withdrawal for six months in a row
- Sends money to the parent or person with physical custody of the child through electronic deposits or posting to a child support "ReliaCard" (debit card)
- Keeps the record of payments received and amounts due on each child support account
- Sends annual payments statements to both parents
- Sends payments received from the person who owes support to the family or state agency entitled to the money

## ***Receiving child support payments***

There are two different ways to receive child support through the Child Support Program:

- Direct Deposit – Support payments are sent directly to a checking or savings account.
- U.S. Bank ReliaCard®/Visa® – A debit-style card that does not require you to have a bank account. Support payments are sent to an account you access using the ReliaCard. These cards allow you to get cash or to buy products in person, online, or by mail.

## ***Receiving a check***

Some exceptions to electronic transfer are allowed. To enroll or to request an exception, you may print, fill out, and return the appropriate form from the website listed at the end of this booklet, or contact the office handling your case.

## ***Locating the Parent***

The Child Support Program has specialized staff to help locate the parent. They can even help locate a parent living in another state or country. It is very important that you give as much information as you can to the Child Support Program. Information from you, such as the parent's Social Security number (which will be used for child support purposes only), birth date or age, last-known address or location, and employer (current or last-known) can help locate the parent.

## ***Establishing Paternity***

Paternity is the process of establishing who the legal father is for a child. Sometimes the alleged father admits paternity right away and can sign a legal form agreeing to that fact. If either the mother or the alleged father denies or isn't sure he is the father, genetic tests can be ordered. Often the alleged father admits paternity when the genetic tests show he is the likely father. Occasionally, the case must be resolved in court. The Child Support Program can also help a man who wants to be declared the legal father of the child but needs help to establish paternity.

## ***Establishing a Support Order***

If there is no judgment for payment of child support or medical child support, the Child Support Program will try to establish one. By law, a formula is used to

figure out the child support amount. This is commonly referred to as the “Oregon Child Support Guidelines.” This amount may include an amount for cash medical support. Once the child support amount is determined, both parties are notified of this amount. If neither party objects or requests a hearing, an order is established. If either party disagrees with the amount and tells the Child Support Program in writing, an administrative hearing will be held by phone. The child support amount will be determined at the hearing. If a party disagrees with the hearing order, he or she may ask for another hearing before a judge in circuit court.

### ***Out-of-State Orders***

Even if you live in Oregon and the other parent lives in another state, or within the jurisdiction of a federally recognized tribe, the Child Support Program can work with the other state or tribe to help establish paternity and support and to enforce support. It is important to tell your child support case manager if you are a member of a tribe or if you have a support order entered in another state or country.

### ***Tribal Cases***

Some Indian tribes have their own child support programs. Other tribes may have their own child support laws and processes for establishing and enforcing child support when a parent is a tribal member, lives on the reservation, or works for the tribe. The Child Support Program works with tribes to establish and enforce child support cases. Call the Child Support Program for information about tribal child support or go to the website at the end of this booklet.

### ***Modifying a Support Order***

The amount of the support order can be changed or “modified” in two different ways:

- 35-month review
- Change of circumstances

After 35 months, a case manager may look at a child support order to see if the amount is what should be paid according to the Oregon Child Support Guidelines. This includes whether either parent has health care coverage for the child. The Child Support Program can change the order if the amount is not what the child support guidelines show or if the medical support needs to be

addressed. The change may end up as either an increase or a decrease in the support amount.

If the order is less than 35 months old (or has been reviewed less than 35 months ago) *and* there has been a substantial change of circumstances, a party can ask that the order be reviewed to see if it should be modified.

Examples include:

- a change in custody from one parent to the other
- a significant change in either parent's income
- a change in health care coverage cost or availability

### ***Enforcing Support***

The Child Support Program uses many tools to enforce child support and medical support:

- **Income Withholding**

This is a routine legal action where money is taken directly from the wages, salary, or other income of the parent who owes support.

- Income withholding is required for all new or modified support orders even if the parent paying is not behind in their support payments.
- The Child Support Program can collect support from unemployment compensation, workers' compensation, and other types of income using income withholding.
- Unless payments are consistently being received through income withholding or electronic payment withdrawal, monthly billing statements are sent to the parent who owes support, showing the current amount due and any past-due amounts.

The Child Support Program can also collect current support or past-due support by:

- Intercepting federal and state tax refunds.
- Placing a lien on property in Oregon. This means the property cannot be sold with a clear title until the child support has been paid or the lien is released.
- Issuing a garnishment against bank accounts or other sources of funds. This includes lottery winnings, insurance settlements, and inheritances.
- Suspending driver, occupational, and recreational licenses for failure to make and keep a child support payment agreement. This happens if

the parent owes at least \$2,500 or three months in past-due support and other collection methods have failed.

- Reporting the names of people who do not pay their child support to credit reporting agencies. Doing this sometimes causes parents to pay the amount owed to avoid damaging their credit record.
- Filing contempt proceedings against a parent who has the ability to pay his or her child support but does not pay. These court actions can result in a jail sentence.
- Issuing a National Medical Support Notice to an employer to enforce private health care coverage.
- Restricting the issuance and renewal of passports for non-payment of support.

## ***What child support services are not provided?***

### ***Legal Advice***

The Child Support Program is not your lawyer. The Division of Child Support and the District Attorneys represent the State of Oregon. They cannot give you legal advice. Any person involved in a case handled by the Division or a District Attorney's office may hire a lawyer at his or her own expense. In contempt of court and criminal nonsupport cases, the court will appoint a lawyer to represent the person charged if that person cannot afford a lawyer.

Please tell the Child Support Program if you have a lawyer who represents you in any child support matter. The Program must talk with your lawyer, unless your lawyer says the Program can talk with you directly.

### ***Spousal Support***

Spousal support services can be provided if:

- The spousal support is part of an original child support order.
- The spousal support order includes a wage withholding provision.

The Child Support Program can provide income withholding and accounting services if you receive public assistance benefits. The Program will not take other enforcement actions to collect spousal support. For more information, see the spousal support application on the website listed at the end of this booklet, or contact your local Division of Child Support or District Attorney office.

## ***Parenting Time and Legal Custody***

The Child Support Program cannot advise you about parenting time or custody matters. If you have a written parenting time agreement or order, it will be considered in a support calculation. You can discuss these matters with a lawyer or take action in court. Parenting time is important to children. Please see the video on parenting time plans at [oregonchildsupport.gov](http://oregonchildsupport.gov) for more information.

## ***What is expected of me?***

If you receive public assistance benefits, you are required to cooperate with the Child Support Program unless you believe that establishing and enforcing child support could cause harm to you or your child. There are several ways the Child Support Program can help keep you and your child safe and still provide child support services. Ask your caseworker for a “client safety packet” or visit the website for these materials.

Your caseworker will need the following information from you:

- The full name and address (or last known location) of the other parent. Good information about the other parent is needed to get you your child support.
- The Social Security number of the other parent. This can be found on pay stubs, tax forms, health insurance forms, bank records or other financial records, and driver licenses issued by some states. (*Note: this will be used for Child Support Program purposes only.*)
- The parent’s birthdate (or approximate age).
- Where the parent works (or last worked).
- The county and state, or tribal court where your divorce occurred (if there was one) and a copy of the judgment, or the county, state or tribe where there is any other support order or judgment.
- Each child’s date of birth and Social Security number.
- Information on any assets such as bank accounts, vehicles, or land the parent who owes support might have.
- Information on health care coverage for the child(ren) that is available through either parent’s employer, or being provided by either parent’s spouse or domestic partner, or by the state, or by a tribe.

## ***What if I have a grievance about my child support case?***

Parties in child support cases are entitled to fair, professional, courteous and accurate service from the Child Support Program.

If you have a complaint that you have not received this level of service from an Oregon child support office, please contact a supervisor in that office. If talking to a supervisor does not resolve the issue, you may file a grievance. You may get a form to file a grievance by calling:

From the Salem area (503) 378-5567  
Outside the Salem area (800) 850-0228 (Toll-free in Oregon)  
From outside Oregon (503) 378-5567  
TTY Number (800) 735-2900 (Toll-free in Oregon)

This form will contain the instructions for filing the grievance, including the address where it should be sent. Your grievance will be screened and, if accepted, responded to within 90 days.

You can find more information regarding the Oregon Child Support Program on our website at [oregonchildsupport.gov](http://oregonchildsupport.gov).

## ***Frequently Asked Questions (FAQ) about child support when the plan for your child is adoption***

### ***Question: My child is being adopted and I signed release and surrender papers. Do I still have to pay child support?***

You owe child support up to the date you sign the release and surrender papers. If you owe child support for the months before you signed those papers, you still will have to pay the support for those months.

### ***Question: What is the difference between a “release and surrender” and “termination”?***

Legal documents called Release and Surrender and Certificate of Irrevocability are signed by a parent voluntarily. These documents allow the Department of Human Services (DHS) to consent to a child’s adoption. A parent who has signed these documents has “relinquished” (released) their rights to their child.

Termination of parental rights is the permanent loss of parental rights **by court order**. A parent’s rights can be terminated after a court trial, when the parent fails to appear for the trial or if the parent agrees that the court can terminate his or her rights. This is only done when DHS is planning adoption for the child.

**Question: I have been ordered to pay child support to another party. Do I need to pay child support to that person after I relinquish my rights or my rights are terminated?**

When your child is placed in foster care, the Department of Human Services supports your child. While your child is in foster care, child support you are ordered to pay to another party goes to DHS. When your parental rights are terminated or you relinquish your rights, **from that point on**, child support is no longer owed and DHS will ask the Division of Child Support to end your support order. However, any past-due child support that you owe at that time still needs to be paid. Contact the Division of Child Support if you have questions about how much you owe.

**Question: I have two children in DHS custody and I relinquished my rights to one child, but not the other. Do I have to keep paying support for the other child?**

Yes, you do. Most child support orders in Oregon are “class orders.” This means that the amount of child support does not automatically change when your rights are terminated or you relinquish for one child only. Support for the remaining child(ren) may be lowered if the order is modified. Contact the Division of Child Support if you have questions or want to start a modification.

**Question: I relinquished my rights to my child in 2001. Why is the Division of Child Support still billing me?**

In 2002, the Department of Human Services changed its rules so that current child support would end when a parent signed relinquishment papers. This change cannot be applied to prior years. If you relinquished your rights before 2002, you have to pay current child support until your child is legally adopted. Even after your child is adopted, you still must pay any past-due support you owe.

**The Program will offer you the option of receiving some communications by:**

- Text message
- Email message
- Recorded phone messages

**What information will be updated whenever I contact a child support office?**

- Your phone numbers
- Your email address
- Your language preference (if not English)

## WHAT CHILD SUPPORT OFFICE DO I CONTACT?

For the most up-to-date information:

- [oregonchildsupport.gov](http://oregonchildsupport.gov)
- Call:
  - From the Salem area (503) 378-5567
  - Outside the Salem area (800) 850-0228 (Toll-free in Oregon)
  - From outside Oregon (503) 378-5567
  - TTY Number (800) 735-2900 (Toll-free in Oregon)

### COUNTY DISTRICT ATTORNEY OFFICES

The District Attorney offices establish paternity, and establish, modify and enforce child support orders for families who have never received public assistance. In some counties, the local Department of Justice Division of Child Support office handles these functions.

### DEPARTMENT OF JUSTICE - DIVISION OF CHILD SUPPORT BRANCH OFFICES

Division of Child Support offices establish paternity, and establish, modify and enforce child support orders for families who are receiving public assistance (cash or medical payments) or who have received assistance in the past. They also provide child support services if a child is in foster care or juvenile care.

OREGON CHILD SUPPORT PROGRAM

DEPARTMENT OF JUSTICE

Child Support Program Director's Office  
**Administration and Policy**  
Program leadership and administration  
Strategic planning  
Performance, budget, and statistics  
Legislation, administrative rules, and policy  
Contracting  
Constituent services and communication

**Division of Child Support**  
(Current & former public assistance cases, foster care and juvenile care cases, some non-public assistance cases)  
Paternity establishment  
Order establishment  
Review & modification  
Enforcement services  
Locate services  
Central Services (provided for Division of Child Support and District Attorneys)  
- Financial Services and Receipting  
- Special Collections  
- Child Attending School Team  
- Employer Services  
- Intergovernment Central Registry  
- Information Technology

**District Attorneys**  
(Non public-assistance cases)  
Paternity establishment  
Order establishment  
Review & modification  
Enforcement services

### **24 Hour Telephone Payment Information**

From the Salem area	(503) 378-5567
Outside the Salem area	(800) 850-0228 (Toll-free in Oregon)
From outside Oregon	(503) 378-5567
TTY Number	(800) 735-2900 (Toll-free in Oregon)

The Oregon Child Support Program provides case information on the Internet.

[oregonchildsupport.gov](http://oregonchildsupport.gov) - To view case status and payment history information. You may log in to see payment information by using your case number and Social Security number.

#### **Other websites of interest:**

[www.osbar.org](http://www.osbar.org)  
(Oregon State Bar)

[www.lawhelp.org](http://www.lawhelp.org)  
(Legal Aid Services)

[www.courts.oregon.gov/OJD/](http://www.courts.oregon.gov/OJD/)  
(Oregon Judicial Department)

[oregonchildsupport.gov/calculator/pages/index.aspx](http://oregonchildsupport.gov/calculator/pages/index.aspx) (Oregon Child Support Guidelines Calculator and Guidelines Information)