OREGON CHILD SUPPORT BENCH BOOK

DEVELOPED BY

OREGON DEPARTMENT OF JUSTICE

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INTRODUCTION AND ACKNOWLEDGEMENTS

This Bench Book was created by the Oregon Department of Justice, Civil Enforcement Division, Civil Recovery Section and is intended to be used as a guide to assist the courts and members of the private bar when creating, modifying, enforcing or terminating child support orders.

Contributors to the book include Assistant Attorney-In-Charge Claudia Groberg, Assistant Attorneys General Michael Ritchey, Audrey Hirsch, Jennifer Chapman, Sandy McCormack, Jessica McKie, and paralegal Tracy Prichard. We are also indebted to Honorable Maureen McKnight, Multnomah Circuit Court, for allowing us to include the Child Support Primer for Judges, and attorneys Concetta Schwesinger, Loralee McKee and Carol Anne McFarland who reviewed portions of the text and made valuable suggestions from a child support District Attorney perspective.

We intend to update the bench book at least annually because the child support administrative rules change annually or more frequently. The online version of this bench book is at www.oregonchildsupport.gov/benchbook and contains hyperlinks to statutes, administrative rules, and other resources.

Disclaimer: this Bench Book summarizes statutes and administrative rules, but it is not intended to provide a complete legal analysis of every issue or dispute that may arise in any particular case.

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The AAGs wish to acknowledge Jean Fogarty, Child Support Program Director, for her numerous ideas and support of this project, and the many lead workers and child support case managers who have helped us to better understand the procedures and policies of the Division of Child Support.

We welcome feedback on this Bench Book. Comments may be directed to:

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1.0 Overview of Medial Support

I. Medical Support Definitions:

A. Medical Support: Cash medical support and health care coverage. ORS 25.321(7).

B. Medical Support Clause: Provision in child support order that requires one or both parents to provide medical support. ORS 25.321 (8).

C. Health Care Coverage: Providing and paying for medical needs of a child through a private or public health care plan. ORS 25.321(6).

D. Cash Medical Support: An amount that a parent is ordered to pay to defray the other parent's cost to provide health care coverage or to defray uninsured medical expenses. ORS 25.321 (1).

II. Medical Support Requirements:

A. Every child support order shall have a medical support clause requiring one or both parents to provide medical support. ORS 25.323(1).

B. Whenever an order that does not contain a medical support clause is modified, a medical support clause must be added. ORS 25.323(2).

C. Medical support clause may not order a parent to pay to provide health care coverage or cash medical support if the parent's income is Oregon minimum wage or less. ORS 25.323(7).

D. Medical support clause must provide that one or both parents will provide health care coverage that:
- Is reasonable in cost—cost for children not to exceed 4% of parents' combined adjusted income unless there is a compelling reason. ORS 25.323 (5), OAR 137-050-0750.
- Provides coverage where the child lives. ORS 25.323 (6).

E. If health care coverage is not available, the medical support clause must:
- Require one or both parents to provide it when it becomes available, and
- Require the payment of cash medical support or include findings why it has not been ordered. ORS 25.323 (4).

F. Medical support clauses may provide that when one form of medical support becomes unavailable, another form will be required. ORS 25.323 (3). This permits including a provision in an order that provides cash medical will start accruing when health insurance provided by the obligor becomes unavailable.

G. Under ORS 107.106, child support judgments entered by a court must address maintenance of medical insurance, payment of uninsured medical expenses and

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medical support. Cash medical support paid pursuant the child support guidelines is intended to cover children's medical expenses when no appropriate health insurance is available. If the parties are obligated by a divorce decree to split uninsured medical expenses, cash medical may be applied toward that obligation.

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DE NOVO APPEALS and OTHER CHILD SUPPORT PROCEEDINGS

1.1 Circuit Court Jurisdiction

A. Administrative orders issued by CSP and orders issued by the Office of Administrative Hearings related to child support may be appealed under ORS 416.427(6) to the circuit court in the county where the order was entered under ORS 416.440. Parties have 60 days from the date of entry of the order to request a hearing. Court's review is de novo.

B. If circuit court judge disapproves of administrative modification of underlying judicial order, submitted for approval only under ORS 416.425(10), the judge shall set the matter for hearing de novo.

C. Challenges to paternity establishment are not handled in de novo hearings; handled in separate hearing under ORS 416.430; 416.443 and/or ORS 109.

1.2 Subject of Hearings

A. A broad range of child support related issues can be appealed to circuit court for de novo review.

B. May require the court to make findings related to the child support calculation and perform child support calculations.

C. Some courts make findings and ask the District Attorney or DCS to perform calculations.

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D. Typical hearings issues include the amount of support and how it was calculated and disputes about the fact findings that were used to calculate the administrative order. (See also ***Child Support Calculation Formula*** section below.)

1.3 Parties

A. In any child support proceeding under ORS 416.400 to 416.465, the following are parties and must be given notice pursuant to ORS 416.407:

1. State of Oregon
2. Obligee
3. Obligor
4. Any joined party

B. A child age 18-20 who is a child attending school is a party to any legal proceeding related to the support order. ORS 107.108(3).

C. A child age 18-20, regardless of whether the child qualifies as a child attending school is a necessary party to any judicial action to establish or modify a support order. ORS 107.108(4)(b).

1.4 Jurisdiction Issues

A. Jurisdiction is seldom an issue except for cases involving interstate moves of the parties. See ORS 110.318 for bases for jurisdiction over a nonresident.

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B. Out of State orders: Generally, once a tribunal has established a support order consistent with its state laws, that state acquires CEJ (continuing exclusive jurisdiction). ORS 110.327.

C. A state continues to have CEJ as long as the obligor, obligee or child continue to reside in the state or until the parties give written consent for another state to assume CEJ.

D. There is a process to register, enforce and modify foreign orders in Oregon courts. ORS 110.405. (See also ***Uniform Interstate Family Support Act (UIFSA)*** chapter.)

1.5 Duty to Support

A. "It is the policy of the State of Oregon that dependent children shall be maintained as much as possible from the resources of both parents" thereby reducing the burden on the state due to public assistance. ORS 416.405.

B. Provisions of ORS 416.400 to 416.465 augment traditional judicial remedies for establishing and modifying child support.

1.6 Support Rights Assigned to State if on Cash or Medical Assistance

A. Support rights are automatically assigned to the state if a custodial parent receives Temporary Assistance to Needy Families (TANF) benefits or if the children are enrolled in public health care. ORS 412.024, OAR 461-120-0310, OAR 461-120-0315.

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B. Support rights are automatically assigned to the state when DHS has legal custody of a child (Foster Care). ORS 418.032; ORS 419B.406.

C. Support rights are automatically assigned to the state if child in custody of the Oregon Youth Authority. ORS 419C.597.

1.7 Paternity

A. Paternity may be established by**:**

1. Voluntary acknowledgment, ORS 109.070; ORS 432.287.

2. Presumption, ORS 109.070.

3. Judicial filiation judgment, ORS 109.124, et seq.

4. Administrative proceeding, ORS 416.415; ORS 416.430.

B. Challenges to paternity are not handled in de novo hearings. They must be handled in a separate proceeding under ORS chapter 109, ORS 416.443 or other legal process.

1.8 Child Support Calculation Formula

A. Child support must be calculated using a formula. ORS 25.275.

B. The formula is contained in the Child Support Guidelines found at OAR 137-050-0700 to OAR 137-050-0765.

C. Guideline amount presumed correct. ORS 25.280.

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1.9 Deviation from Presumed Guideline Amount by Use of Rebuttal

A. Presumption in favor of guideline amount may be rebutted. ORS 25.287, OAR 137-050-0760.

Petersen and Petersen, 132 Or. App. 190, 888 P.2d 23 (1994).

B. Requires a finding that the guideline amount is unjust or inappropriate

Rossi and Rossi, 128 Or. App. 536, 876 P.2d 820 (1994).

C. May be supported by a calculation showing why the guideline amount is unjust or inappropriate. In such a calculation, factors may be applied to party's income, costs or bottom line support amount.

D. Specific rebuttal factors are set out in OAR 137-050-0760.

1.10 Deviation from Presumed Amount by Agreement (Consent)

A. Parties may agree to a deviation of up to 15% of the presumed amount, OAR 137-050-0765.

B. Requires parties to waive hearing and appeal rights.

1.11 Medical Support

A. All child support orders must include a medical support clause. ORS 25.323(1).

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B. The medical support clause must require one or both parents to provide health care coverage (insurance). If health care coverage is not available, must require health care coverage to be provided when available and require payment of cash medical support or include a finding why not appropriate. ORS 25.323(4).

C. The medical support clause may require contingent medical support. ORS 25.323(3).

D. Health insurance must be appropriate and available. ORS 25.323(5) & (6).

E. Medical support clause may not order a parent to pay to provide health care coverage (including contributing to the other parent's cost) or cash medical support if parent's income is minimum wage or less. ORS 25.323(7).

F. Under the guidelines, the amount that can be ordered to provide private health care coverage is 4% of the parties' combined adjusted incomes. **Income of parent with income at or below Oregon minimum wage is not included.** Can exceed 4% to provide health care coverage if compelling factors are found. OAR 137-050-0750(7). If ordered, cash medical support is 4% of the obligor's adjusted income.

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1.12 Income of Parties

A. For purposes of calculating support, a party's income should be determined by using actual income, potential income or both. Actual income should be used unless it is less than the party's potential income, in which case additional potential income should be imputed. OAR 137-050-0715.

B. Actual income includes earnings and income from any source, including, for example, wages, pensions, bonuses, interest, trust income, annuities, gifts, prizes, self employment, unemployment, social security, workers' compensation and disability insurance benefits, rent, etc.

C. Potential income is determined by considering the party's qualifications, work history and the prevailing employment opportunities in the community.

D. If insufficient information about the parent's income history is available to make a determination of actual or potential income, the parent's income is the amount the parent could earn working full-time at the minimum wage in the state in which the parent resides.

E. Child support, food stamps, Social Security or Veterans benefits received on behalf of a child in the household, adoption assistance, guardianship

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assistance, and foster care subsidies are not considered income for purposes of this calculation.

1.13 Adjustments to Income

A. A party's income is adjusted upward for spousal support received. A party's income is adjusted downward for union dues paid, spousal support paid, non-joint children and the portion of a health insurance premium that is paid to enroll the parent, regardless of whether the children will be enrolled. OAR 137-050-0720.

B. To qualify as a non-joint child, the minor child must reside with the parent or the parent must be ordered to support the child. OAR 137-050-0720(2).

C. A child aged 18-20 who is attending school qualifies as an additional child only if the parent is ordered to pay support for that child. OAR 137-050-0720(2).

D. Calculate support for an 18 year old child who is attending high school and living with a parent in the same manner as support for a minor child. OAR 137-050-700(4). When using the support calculator, simply enter that child as a minor rather than as a Child Attending School.

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1.14 Parenting Time Credit

A. If a child spends one or more overnights with a parent, the parent is entitled to a parenting time credit. OAR 137-050-0730.

B. Generally, parenting time is calculated using average number of overnights for two year period.

C. The rule does provide for an alternate method of calculation when overnights may not be an appropriate measure.

D. Parenting time credit is applied in the child support calculator.

E. Parenting time is based on the minor child(ren) only. This includes an 18 year old attending high school and living with a parent. The amount of the credit is based on only the minors' portion of the support obligation but is applied to the entire support amount and divided evenly between all children in the order, including any children attending school. OAR 137-050-0730.

1.15 Child Care Credit

A. A support calculation can be adjusted for child care costs incurred for a child of any age who is disabled or under the age of 13. OAR 137-050-0735.

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B. Child care costs can be incurred by either parent, but must be related to the parent's employment, job search, or training or education necessary to obtain a job.

C. Child care costs must be reasonable and are capped depending on the parent's geographic location. OAR 137-050-0735 has a chart and a link to a comprehensive list of zip codes and associated child care caps.

D. Do not include child care subsidies paid by the government for the parent.

1.16 Social Security and Veterans Benefits

A. Amount of support obligation must be reduced for certain types of social security and veterans' benefits paid to a child or a child's representative payee on behalf of a disabled or retired parent. OAR 137-050-0740.

B. See *Lawhorn and Lawhorn*, 119 Or. App. 225, 850 P.2d 1126 (1993).

1.17 Minimum Order

A. It is rebuttably presumed that a parent can pay at least $100 per month as support. OAR 137-050-0755.

B. Presumption does not apply when:

1. Each parent has exactly 50% parenting time;

2. The order is for medical support only;

3. The obligated parent is incarcerated and has no ability to pay;

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4. The obligated parent has disability benefits as the sole source of income; or

5. The obligated parent receives public benefits as defined by ORS 25.245.

1.18 Presumption of Inability to Pay Child Support when on Cash Assistance

A. A parent who is receiving cash public assistance from Oregon or another state or tribe is presumed unable to pay child support. ORS 25.245.

B. CSP must send notice of presumption to parties

C. May object to presumption within 30 days of service of notice.

D. Objection must include description of resources of the obligor or other evidence of ability to pay. ORS 25.245(4).

E. ORS 25.245(1) which (rebuttably) presumes that a parent receiving cash assistance is unable to pay support, is to be strictly construed. Cash payments must be under one of four programs: (1) Title IV-A of the Social Security Act, (2) General Assistance Program, (3) Oregon Supplemental Security Income Program, or (4) Supplemental Security Income Program. *Ammiotte v. Woods*, 179 Or App 179, 39 P.3d 268 (2002).

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1.19 Establishment of Child Support Order (NFR)

A. To establish a parent's support obligation, DCS issues a Notice and Finding of Financial Responsibility (NFR---pronounced "niffer") and a proposed order establishing a support obligation. ORS 416.415.

B. Generally served on the alleged obligated parent by mail, return receipt requested, **or by any other mail service with delivery confirmation.** ORS 416.415(1).

C. NFR may establish paternity. A NFR alleging paternity must be personally served. ORS 416.415(1). Paternity is not challenged in a de novo hearing.

D. NFR sets forth the amount of cash child support, the type and amount of medical support and an amount of past support.

1.20 Past Support

A. "Past support" means the amount of support that is ordered for a period prior to the support order becoming effective, during which the obligor was not supporting the child. ORS 416.400.

B. Under ORS 416.422, past support may not be ordered for any period prior to the later of:

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1. Date of application for IV-D services (public assistance) that resulted in the child support case opening.

2. Date of mandatory referral based on receipt of public assistance that resulted in the child support case opening.

C. If NFR alleges past support, but is not finalized because it is discovered that a court action is pending for the same parties, the CSP may certify the past support issue to court. The court may order past support in the same manner as the child support program. ORS 416.422(2).

D. If the matter of past support is not certified and the court does not address past support, the CSP may subsequently establish a past support obligation. ORS 416.422(3).

1.21 Establishment of Arrears

A. Pursuant to ORS 416.429, the CSP may establish and enforce child support arrears.

B. Statute sets out the requirements for the notice of intent to establish and enforce arrears.

C. State may pursue any other enforcement remedies at any time, notwithstanding ORS 416.429.

D. There is also a court process to establish arrears under ORS 25.167.

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1.22 Credit for Direct Child Support Payments

A. Party may not receive credit for direct payments not made to DOJ except as provided in ORS 25.020(11) to (14).

B. When payments not assigned to state, party may get credit if obligor and obligee sign statements that payments were made and should be credited. ORS 25.020(12)(a).

C. When payments are assigned to state, party may get credit when obligor and obligee make sworn statements that specific payments were made, canceled checks or other corroborating evidence is presented and the obligee is given notice of civil and criminal liability that may apply if direct payments were received and not reported while the obligee was on public assistance. ORS 25.020(12)(b).

D. Child Attending School must also agree to credits.

E. DOJ may also give credits for judicially determined direct payment or satisfaction. ORS 25.020(14).

1.23 Credit Against Arrears

A. **Credit balances.** Per DCS program rules, a credit for physical custody, Social Security and Veteran's benefits may not exceed total arrears (cash medical support + cash child support). In other words, may not award a credit that will create a credit balance on the party's support account.

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OAR 137-055-5510(4) and 137-055-5520(9). A credit for direct payment is applied without respect to the amount of arrears which may create a credit balance. OAR 137-055-5240(5)(b).

B. In the context of a modification, an obligor may be given credit against arrears. ORS 416.425(8).

C. Obligor may also receive credit independent of a modification. OAR 137-055-5510.

D. Obligor may receive a credit for periods of time he/she had **physical custody** of the child or children covered by the order with knowledge and consent of the other party. Does not include periods of reasonable parenting time. OAR 137-055-5510.

1. Physical custody must have lasted at least **30** consecutive days or the entire month for which credit is sought.

2. No credit will be allowed for physical custody of a child attending school. OAR 137-055-5510(6).

3. As part of a modification, credit for physical custody can be allowed for the period immediately prior to the modification and no time limit on length of credit as long as physical custody of all children has been continuously with the obligor. In an independent action, credit for physical custody will only be allowed for a time period within 2 years of the date of the request.

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4. Only basis for objection is that the party did not have physical custody or that physical custody was not with the knowledge and consent of the other party.

E. Obligor may receive credit for any Social Security or Veterans' benefits paid retroactively to or for a child's use and benefit as a result of the parent's disability or retirement. OAR 137-055-5520.

1. In an independent action, credit for Social Security or Veteran's benefits will only be allowed if the order has already been modified to reflect the obligor receives the benefits; or

2. if there is no longer a support order for the child

F. Credit amount cannot exceed total arrears owed.

1.24 Modifications of Child Support Orders

A. To qualify for modification when the order is less than three years old, party must show that existing order is not in substantial compliance with child support guidelines. ORS 25.287, ORS 416.425, OAR 137-055-3420, OAR 137-055-3430.

B. Substantial compliance means the existing order amount is within the lesser of $50 or 15% of the new calculated amount.

C. There are exceptions to the 15%/$50 substantial compliance standard. OAR 137-055-3430(6) & (7).

1. The order is more than three years old.

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2. Need to add or change medical support provisions.

3. Change in physical custody of a minor child.

4. Need to add a subsequent child or remove a child of the parties.

5. Tiered provisions for a child attending school pursuant to ORS 107.108 must be added, removed or changed.

6. The proposed new amount resulted from a calculation that:

   a. includes a deviation by consent of the parties

   b. includes the application of rebuttals

   c. includes compelling factors to exceed the normal 4% cap on medical support

   d. is for a modification to allow credit for receipt of Social Security or veterans' benefits

D. If existing order is less than three years old, must also show that there has been a substantial change of circumstances. ORS 25.287; ORS 416.425.

E. If existing order is at least three years old, no need to show substantial change of circumstances. ORS 25.287.

F. **Modification is effective** on or after the date the last non-requesting party is served with the motion. ORS 416.425(8); OAR 137-055-3440.

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1.25 Modification to Zero—Incarcerated Obligor

A. May modify a support order to zero for an incarcerated obligor who has income of less than $200 per month. ORS 416.425(12), OAR 137-055-3300.

B. Incarceration must be expected to last at least 6 months from date of request to modify.

C. The previous support order is reinstated by operation of law on the 61st day following release from incarceration and must contain a notice to that effect.

1.26 Child Attending School (CAS)

A. Support for children age 18-20 is addressed by ORS 107.108, OAR 137-055-3485, OAR 137-055-5110, and OAR 137-055-5120.

B. A child age 18-20 who is making satisfactory academic progress while attending at least 1/2 of a full load (as defined by the educational institution) is known as a "child attending school" (CAS).

C. A child age 18-20 who is not attending school on at least a half-time basis is an “adult child”.

D. A CAS is entitled to support, including during regularly scheduled school breaks.

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E. CAS is a necessary party. Adult child may request to be a party.

F. Child must submit written notice of intent to go to school before reaching age 18.

G. CAS must submit written consent for school to release academic records to the obligor.

H. Failure to provide notice of intent to attend school or consent for release of academic records results in suspension of support.

I. CAS's portion of the support is prorated.

J. Can add tiered provisions to support order providing alternate support amount that will be activated when an adult child qualifies as a child attending school.

K. CAS case law:

1. *Crocker and Crocker*, 332 Or 42, 22 P.3d 759 (2001): ORS 107.108, authorizing a support order against a parent who is divorced or separated from the other parent, but not against a married parent, to be paid to a child attending school does not violate the Equal Protection clause of either the US or Oregon Constitution.

2. *Marriage of McGinley*, 172 Or. App. 717, 19 P3d 954 (2001) Divorced parents of children attending school are not a suspect

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class for purposes of the Equal Protection Clause and ORS 107.108 should not, therefore, be subject to heightened scrutiny on the basis that it discriminates against a suspect class.

3. *Sandlin and Sandlin*, 113 Or App 48, 831 P.2d 64 (1992): Child continued to meet ORS 107.108 requirements for support for a child attending school to continue, when the child, who was not married was sharing a household in a relationship resembling marriage.

4. *Eusterman and Eusterman*, 41 Or. App 717, 598 P.2d 1274 (1979). Interpreting an early version of ORS 107.108, the court held:

   a. The original decree should indicate that child support will continue between the age of 18 to 21 if the child or children attend school within the meaning of ORS 107.108 since that statute authorizes the court to extend the duty to support beyond what is otherwise statutory majority; it does not create a separate support obligation.

   b. Courts have jurisdiction and authority to modify to provide for post-18 support at any time until the child reaches age 21.

   c. Beginning to attend school within the meaning of ORS 107.108 (or being accepted to attend plus intending to attend) is a change of circumstances.

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d. Where the question of support for an 18 to 20 year old child was not fully litigated at the time of the original decree, the change-of-circumstances rule is not applicable in a subsequent modification proceeding to extend child support in accordance with ORS 107.108.

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Hearing Date: **De Novo Review Findings** Case No _____

Minor Children: Children Attending School: Adult Children: O atty: OE atty:	Custodial Parent/ Name	Non-Custodial Parent Name	Applicable OAR
Gross income			137-050-0715
Mandatory union dues			137-050-0720 (1)(a)
Portion of premium paid to enroll parent in health insurance			137-050-0720 (1)(b)
Deduct parent's **spousal support obligation**, whether ordered in the same or a different proceeding, to this or a different party & whether paid or not.			137-050-0720 (1)(c)
Add amount of court-ordered monetary **spousal support owed to the parent**, whether ordered it the same or a different proceeding, by this or a different party and whether paid or not.			137-050-0720 (1)(d)
Non-Joint Child who is not the child of both parties; must reside in the parent's household or the parent must be ordered to pay ongoing support for that child.			137-050-0720 (2)
Parenting time credit			137-050-07230
Child Care Costs: Care must be necessary for parent's employment, job search, or training necessary to obtain a job. Allowed only if cost is documented. Child must be less than 13 or disabled.			137-050-0735
Credit for Social Security or veterans' benefits pd to child on behalf of the parent.			137-050-0740
Is there an exception to minimum order rule? Disabled/incarcerated/or on public assistance			137-050-0755
Rebuttal factors apply? Describe.			137-050-0760
Parties agree to a c/s ord w/in 15% of guideline amount?			137-050-0765
Reason to Exceed 4% of Adjusted Income for Medical Support.			137-050-0750
Exception to Minimum Order: *Disabled *Incarcerated *Public Assistance			137-050-0755

MULTIPLE CHILD SUPPORT JUDGMENTS

2.0 Child Support Orders/Judgments

A. **Child Support Orders/Judgments may begin by administrative or judicial process**

1. Upon entry in the court's registry, an administrative child support order has the same force and effect as a circuit court judgment. ORS 416.440(3)

2. Historical note: Former ORS 25.091(2) (c) created an exception for pre-2004 court issued child support judgment**s**, which were deemed to terminate the monetary support terms of an earlier administrative child support order under certain circumstances. (See Laws 2005, c. 83 § 1, as amended by Laws 2005, c. 356 §2.) That exception was eliminated by Laws 2009, c 351 § 6, eff. Jan 1, 2010.

B. **A "child support order" may cover monetary child support and/or medical support as defined in ORS 25.231.**

1. **Monetary Child Support means** payments that an Obligor has been ordered (or has agreed) to pay for the benefit of a child.

2. "**Medical support**" means cash medical support and health care coverage. ORS 25.321(7)

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C. **A child support order may include an order for past support and/or ongoing child support.**

1. **"Past support"** means the amount of child support that could have been ordered per the guidelines for any period of time the child was not being supported by the parent and no support order was in effect. OAR 137-055-3220.

   DCS may establish a child support order that includes past support for the period beginning with the date of the most recent mandatory referral from DHS and ending with the beginning pay date of the new order. Consequently, only the initial administrative order may include a lump sum award for "past support."

2. **"Ongoing support"** is the noncustodial parent's monthly obligation.

3. **"Arrears"** means past due, unpaid child support owed by the non-custodial parent. "Past support" becomes an arrearage when it is not paid by the second billing cycle.

2.1 Multiple Child Support Orders

A. **Multiple child support orders exist when** two or more child support judgments exist and

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1. Neither modifies the other, and

2. They involve the same obligor and same child, and

3. Cover the same period.

B. **If there is an existing Oregon child** support order or judgment between same obligor and child, the **court can only *enforce it, modify it* or *set it aside*.**

If there is an existing Oregon child support order or judgment, the court has three choices: ***enforce*** the existing child support judgment, ***modify*** the existing child support judgment or ***set asid***e the existing child support judgment. ORS 25.089(3) (a)

C. **Grounds to modify or set aside existing Oregon order**

1. **A court may *modify* or *set aside* a child support judgment issued in this state when:**

a. The child support judgment was issued without prior notice to the issuing court or CSP that:

(A) There was pending in this state or any other jurisdiction any type of support proceeding involving the child; *or*

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(B) There existed in this state or any other jurisdiction another child support judgment involving the child; *or*

(C) The child support judgment was issued after another child support judgment, and the later judgment did not enforce, modify or set aside the earlier judgment. ORS 25.089(6); or

b. There is an ORCP 71 reason to modify or set aside.

2. **Specify effect when modifying existing order:** When modifying a child support judgment, the court or administrator shall specify in the modification judgment the effects of the modification on the child support judgment being modified. ORS 25.089(7).

3. **Multiple inter state orders:** When one of multiple child support judgments was issued by another state, ORS Chapter 110 (the Uniform Interstate Family Support Act ("UIFSA") applies. 110.432 and 110.436 re modification of another state's order. ORS 110.333 describes the criteria to be used to determine the controlling child support order.

4. **No retroactive modification or set aside of arrears:** A judgment is final as to any installment or payment of money that has accrued up to the time the nonmoving party, other than the state, is served

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with a motion to set aside, alter or modify the judgment. *The court may not set aside, alter or modify any portion of the judgment that provides for any payment of money, for minor children or for the support of a party that has accrued before the motion is served.* ORS 107.135(7); ORS 108.120(3); ORS 109.100(4); ORS 416.425(8).

5. **Credit against arrears for physical custody:** Although arrears cannot be retroactively modified, the obligor may be awarded a credit against arrears for the period of time s/he had physical custody of the child with the consent of the obligee or pursuant to court order.

2.2 Governing Child Support Judgments

A. **A multiple child support situation is resolved by a Governing Child Support Judgment (GCSJ). (ORS 25.091)**

B. **"Governing child support judgment"** means a child support judgment issued in this state that addresses child support, including medical support as defined in ORS 25.321, and is entitled to exclusive prospective enforcement or modification with respect to any earlier child support judgment issued in this state. ORS 25.091(1) (b).

C. Who **may request a GCSJ?**

1. **Any party** or the administrator may petition the court for a GCSJ.

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2. When the court finds that two or more child support judgments exist, **the court on its own motion** may determine the controlling terms and issue a GCSJ. ORS 25.091(3)

D. **Rebuttable Presumption that latest judgment controls:** There is a rebuttable presumption that the terms of the last-issued child support judgment are the controlling terms and terminate contrary terms of each earlier-issued child support judgment. ORS 25.091(4) (a)

E. **How is Presumption rebutted?** A party may rebut the presumption s by showing that:

1. The last-issued child support judgment should be set aside under the provisions of ORCP 71;
2. The last-issued child support judgment was issued without prior notice to the issuing court, administrator or administrative law judge that:

   a. There was pending in this state or any other jurisdiction any type of support proceeding involving the child; or

   b. There existed in this state or any other jurisdiction another child support judgment involving the child; or

   c. The last-issued child support judgment was issued after an earlier child support judgment and did not enforce, modify

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or set aside the earlier child support judgment in accordance with ORS 25.089. ORS 25.091(5)

F. **Multiple counties.** When multiple judgments are in different counties, the court may cause the records from the original proceedings to be transmitted to the court. ORS 25.100

D. **Contents of Governing Child Support Judgment**

1. **A GCSJ must include:**

a. References to both judgments with copies of each attached as exhibits.

b. Determination of which terms regarding monetary child support and medical support control and which judgment or judgments contain those terms

c. An affirmation, termination or modification of the terms regarding monetary child support and medical support in each of the judgments.

d. **The effective dat**e of each controlling term and the termination date of each non-controlling terms. In determining these dates, the court may apply the following:

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(i) A controlling term is effective on the date specified in the judgment containing that term, or if no date is specified, the date that judgment was entered.

(ii) A noncontrolling term is terminated on the date the GCSJ is entered.

2. **A GCSJ may include** a reconciliation of child support arrears or credits under all of the child support judgments. Alternatively, the court may order the parties to reconcile arrears or credits under all of the child support judgments in a separate proceeding under ORS 25.167 or ORS 416.429.

a. **A GCSJ does not affect arrears accrued before the GCSJ is entered, except that arrears are reconciled.** ORS 25.091(10) & (11).

b. **Crediting amounts paid.** In reconciling arrears accrued during a period when both judgments were being enforced, amounts paid under one order or judgment must be credited against arrears accrued during the same period under the other judgment.

3. **Certified copy of GCSJ:** A party designated by the court must file not sooner than 30 days nor more than 60 days after entry of the GCSJ, a certified copy of the GCSJ with each court or the

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administrator that issued an earlier child support judgment. Failure to do so may result in monetary sanctions. ORS 25.091(12)

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3.0 Overview of Uniform Interstate Family Support Act (UIFSA) (ORS 110)

I. **Modifications:**

A. Continuing Exclusive Jurisdiction (CEJ) is required to modify a support order issued in Oregon or another state. See ORS 110.327.

B. Oregon modification of another state's child support order: Generally, modification permitted if all parties reside in Oregon and the child does not reside in the issuing state (ORS 110.436); or if the child, the obligee and the obligor do not reside in the issuing state; a resident of another state seeks modification and the respondent is subject to personal jurisdiction in Oregon; or child or a party is subject to personal jurisdiction in Oregon and all of the parties who are individuals have filed a written consent in the issuing state for Oregon to modify the order. (ORS 110.432).

C. Oregon may only modify those aspects of another state's child support order that may be modified in the other state.

II. **Registration for Enforcement:**

A. Other states' child support orders are registered in Oregon under ORS 110.405. Nonregistering party has 20 days to object and request a hearing. (ORS 110.417 to 110.423.)

III. **Controlling Order Determination:**

A. Multiple state orders: If more than one state has issued a child support order, ORS 110.333 sets out process to determine which state's order will control prospectively.

B. Arrears are reconciled under ORS 110.339 issued by multiple states, looking at whether one or more states have CEJ and where the parties and child(ren) reside.

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UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA) (ORS 110)

3.1 Modifications

A. **Continuing Exclusive Jurisdiction (CEJ)** is required to modify a support order issued in Oregon or another state. Under UIFSA, the principle of continuing, exclusive jurisdiction aims, so far as possible, to recognize that only one valid support order may be effective at any one time.[1] A state issuing a support order has CEJ (ability to modify) a support order:

1. If the obligor, obligee or child continue to reside in the issuing state; or
2. Until all parties file written consents with the issuing state for a tribunal of another state to modify the order and assume CEJ. ORS 110.327.

B. **Oregon modification of another state's child support order** is permitted when:

1. Modification is part of a proceeding to register another state's order; all of the parties who are individuals reside in Oregon; and the child does not reside in the issuing state (ORS 110.436); or
2. ORS 110.436 does not apply and
   a. The child, the obligee and the obligor do not reside in the issuing state;

[1] Source: UIFSA 1996 with Commentary, see reference below

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b. A petitioner who is a nonresident of this state seeks modification; and the respondent is subject to personal jurisdiction in Oregon; or

c. The child or a party who is an individual is subject to personal jurisdiction in Oregon and all of the parties who are individuals have filed a written consent in the issuing state for Oregon to modify the order and assume CEJ. ORS 110.432.

C. **Oregon may only modify those aspects of another state's child support order that may be modified in the other state.** ORS 110.432(3).

1. For example: A child's age of majority under the law of the issuing state cannot be modified in Oregon to extend to age 21 under ORS 107.108.

2. See also ORS 110.411, Choice of Law provisions.

3.2 Registration for Enforcement

A. **ORS 110.405** covers the documents and information required as part of registration of another state's child support order in Oregon.

B. **20 days to object:** A nonregistering party seeking to contest the validity or enforcement of a registered order has 20 days after the date of mailing or personal service of the notice of registration to request a court hearing.

C. **ORS 110.420 covers defenses to registration or enforcement of another state's order and ORS 110.423 covers the effect of confirmation of a registered order.**

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3.3 Controlling Order Determination

A. **ORS 110.333** covers the process for determining which order controls and must be enforced when two or more child support orders have been issued by multiple states, looking at whether one or more states have CEJ and where the parties and child(ren) reside.

3.4 Long Arm Jurisdiction

A. **ORS 110.318 provides the following bases for Oregon to exercise personal jurisdiction over a nonresident in a proceeding to establish, enforce or modify a support order or to determine parentage:**

1. The individual is personally served with notice in Oregon;
2. The individual submits to Oregon jurisdiction by consent:
   a. Entering a general appearance; or
   b. Filing a responsive document having the effect of waiving any contest to personal jurisdiction;
3. The individual resided with the child in this state;
4. The individual resided in this state and provided prenatal expenses or support for the child;
5. The child resides in this state as a result of the acts or directives of the individual;
6. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;
7. The individual asserted parentage by filing a voluntary acknowledgment of paternity in Oregon; or

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8. There is any other basis consistent with the Constitutions of Oregon and the U.S. for the exercise of personal jurisdiction.

3.5 Additional References:

A. **Full Faith and Credit For Child Support Orders Act (FFCCSOA), U.S. Code Title 28 Part V Chapter 115 Sec. 1738B**

http://www.acf.hhs.gov/programs/cse/pubs/mirror/usc28_v_115_1738b.html

B. **UIFSA 1996 with Commentary** (NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS)

http://www.law.upenn.edu/bll/archives/ulc/uifsa/famsuul6.htm

C. Commentary to Uniform Interstate Family Support Act (1996) (UIFSA Commentary), reprinted in 32 Family LQ 385 (1998)

3.6 Oregon Case Law:

A. **Age of Majority**

1. Oregon court does not have the authority to modify a California decree of dissolution providing for support for children beyond age 18, even if the child is attending school, if that support modification could not have been imposed under California Law. *Matter of Marriage of Tavares*, 293 Or 484, 651 P2d 133 (1982).

2. Oregon court does not have authority to extend the duration of a child support order beyond the age set by the original issuing state. *Cooney and Cooney*, 150 Or App 323, 327-328, 946 P2d 305 (1997).

B. **Multiple Support Orders and CEJ**

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1. A state that has issued a child support order has "continuing, exclusive jurisdiction" over that order as long as that state remains the residence of the obligor, the individual obligee, or the child until the child or the parties consent in writing to modification of the order by another state. ORS 110.327(1); *State of Oregon DCS v. Anderson*, 189 Or App 162, 168, 74 P2d 1149 (2003).

2. The first state to impose a support order retains "continuing, exclusive jurisdiction" as long as one of the parties continues to reside in that state or if both parties agree to transfer jurisdiction to another state. Until one of those events occurs, only the state which issued the original support award can modify the award. In this way, all parties, courts and enforcement officials are assured that, between states, there can only be one support order in effect at any given time. *State of Oregon DCS v. Anderson*, 189 Or App 162, 168, 74 P2d 1149 (2003).

3. Under UIFSA, if one tribunal has CEJ, that tribunal's order controls. If more than one tribunal has CEJ status, the tribunal in the child's current home state controls. Issuing an order, not merely registering another tribunal's order, confers status. *Cohen v. Powers*, 180 Or App 409, 43 P.3d 1150 (2002).

C. **Money Award**

To the extent a money award filed with a registration of another state's order differs from the money award from a CEJ state, the money award in

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the order being registered controls. *Marriage of Calvert*, 191 Or App 361, 82 P.3d 1056 (2004).

D. **Interest**

Interest may be established and enforced in Oregon after registration of another state's order that includes interest even if the statement and notice to obligor at the time of registration were silent with regard to interest as long as the obligor had an opportunity to contest the underlying arrearage. *Marriage of Calvert*, 191 Or App 361, 82 P.3d 1056 (2004).

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4.0 Overview of Garnishments and Income Withholding Orders

I. **Garnishments v. Income Withholding Orders**

II. **Challenging a Writ of Garnishment:**

A. Challenges must be filed within 30 days of delivery.

B. Challenges may be used for only limited purposes.

C. A single garnishment may be issued for multiple cases, in multiple counties, and can be challenged in a single county.

III. **Challenging an Income Withholding Order:**

A. An obligor only has 30 days to challenge an income withholding order.

B. The only defense to an income withholding order is a mistake of fact relating to the amount of support, the amount of arrears, or the identity of the obligor.

C. Obligors may not challenge an income withholding order issued by the court under ORS 25.378(5).

D. The forum for the challenge depends on who issued the income withholding order.

IV. **Exemptions:** *See* ORS 18.345 *et seq*

V. **Joint Bank Accounts**

VI. **Garnishments and Uncooperative Garnishees:** A judgment can be entered against a garnishee who fails to properly comply with a garnishment. The garnishee can also be required to appear for an examination by the creditor.

VII. **Income Withholding Orders and Uncooperative Employers:** Employers who fail to comply with an income withholding order can be subject to personal liability for the amount not withheld, as well as fines and attorney fees.

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CHILD SUPPORT GARNISHMENTS[1] AND INCOME WITHHOLDING ORDERS

4.1 Garnishments v. Income Withholding Orders

A. DCS may issue writs of garnishment to collect past due support. ORS 18.645.

B. DCS may issue "income withholding orders" to collect past due support *and* current support. ORS 25.372 & ORS 25.378.

C. Income withholding orders are typically used to collect from an obligor's wages, workers' compensation benefits, and Social Security benefits.

D. DCS typically uses garnishments to collect from bank accounts, inheritances, and insurance settlements.

4.2 Challenging a Writ of Garnishment

A. **Timing:** An obligor has a limited amount of time to challenge a garnishment: Generally speaking, an obligor must file a challenge within 30 days after the date the garnishment was delivered to him/ her. ORS 18.700(2) (b).

B. **Limited Scope:** A challenge to garnishment may be used only to:

1. Assert that the amount specified in the writ of garnishment as being subject to garnishment is greater than the total amount owed; and

[1] The rules involving child support garnishments and garnishments in other contexts (e.g., garnishments by state agencies, private attorneys, etc.) significantly overlap. However, there are many important distinctions. This section focuses on child support garnishments only. Rules, exemptions, and processes that do not apply to child support garnishments will not be discussed.

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2. Assert that the garnished property is not garnishable property. ORS 18.700(1), (5).

C. **Who May File:** A challenge to garnishment may be filed by the obligor, or by others who assert an interest in a garnished piece of property (e.g., a joint bank account). ORS 18.725.

D. **Multiple Cases, One Garnishment:** DCS may issue a single garnishment for multiple child support cases, even if the cases are in different counties. ORS 18.645(3). An obligor is not required to challenge the garnishment in every county. Rather, the obligor may file a single challenge in any county where a child support judgment was entered and garnished.

4.3 Challenging an Income Withholding Order

A. **Timing:** An obligor only has **30** days to challenge an income withholding order. The "clock" runs from the time income is first withheld under the order. ORS 25.405(1).

B. **Limited Defenses:** The only defense to an income withholding order is a mistake of fact relating to the amount of support, the amount of arrears, or the identity of the obligor. ORS 25.405(2).

C. Obligors may not challenge an income withholding order issued by the court under ORS 25.378(5).

D. **Where Challenge May be Heard:** The forum for the challenge depends on who issued the income withholding order:

1. If the income withholding order was issued by DCS, the challenge should be directed to DCS. Similarly, if the order was issued by

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the district attorney, the order should be directed to the district attorney. An obligor can appeal a DCS/ district attorney decision on the challenge to the circuit court. ORS 25.405(5).

2. If the income withholding order was issued by the court, the proper forum is the court that issued the order. ORS 25.405(3).

3. Special rules apply if the income withholding order was issued by another state. ORS 25.405(4).

4.4 Exemptions

A. Property exempt from garnishment is set forth in ORS 18.345 et seq. Some of the most common exemptions include:

1. The first $3,000 of a vehicle, including a car, truck, trailer, and other motor vehicles. ORS 18.345(1)(d).
2. 50% of the debtor's interest in a personal injury settlement or judgment, up to a maximum of $7500. ORS 18.345(4).
3. 50% of a debtor's unemployment or workers' compensation benefits. ORS 18.345(4).
4. $400 in miscellaneous personal property. ORS 18.345(1)(o).
5. Veteran's benefits & loans. ORS 18.345(1)(m).
6. Federal earned income tax credit. ORS 18.345(1)(n).
7. Funds exempt under federal law that have been deposited into a bank account. ORS 18.348(3).
8. 75% of retirement accounts. ORS 18.358.

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9. 50% of lump sum distributions from retirement accounts. ORS 18.358(3).

10. $40,000 of the proceeds of the sale of a debtor's homestead, if the proceeds are held for less than one year with the intention of buying another homestead. ORS 18.395(1), (2). **But note: In child support cases, the court may deny the debtor the use of the homestead exemption.** ORS 18.398**.**

B. Certain types of exempt funds lose their exempt status when more than $7,500 in exempt funds is accumulated. ORS 18.348(2).

C. Exempt property may retain its exempt status even after it is commingled with non-exempt funds. ORS 18.348(4).

4.5 Joint Bank Accounts

A. ORS 708A.465: "A joint account belongs, during the lifetime of all parties, to the parties in proportion to the net contributions by each to the sums on deposit, unless there is clear and convincing evidence of a different intent."

B. ORS 708A.490: "Any sums in a joint account may be paid, on request, to any party without regard to whether any other party is incapacitated or deceased at the time the payment is demanded…."

C. *Greenwood v. Beeson*, 253 Or 318, 545 P.2d 633 (1969): "[W]here both parties make deposits into the account the provision of the deposit agreement that the account shall be 'jointly owned' probably would in most cases express their intent to create a present concurrent interest of

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some kind in the account. Evidence should be freely admissible to show what the parties intended with respect to their respective interests in the account. However, when all of the funds in the account are deposited by only one of the signatories the recitation in the deposit agreement that the account is 'jointly owned' should not be treated as conclusively establishing the intent of the parties. To do so would be to give to the deposit agreement an effect which is normally not intended by those who open such accounts. Where the evidence shows that all of the funds in the account were deposited by only one of the signatories, the other signatory is to be deemed a trustee of the donor's power to withdraw from the account unless the intent to create some other legal relationship is proven."

4.6 Uncooperative Garnishees

A. **GARNISHEE DEFINED:** "a person to whom a writ of garnishment has been delivered." ORS 18.700(6).

B. **GARNISHEE DUTIES:**

1. Complete a garnishee response form. A garnishee must deliver a completed garnishee response form to the creditor. ORS 18.680. The form to be used is statutory, and the creditor must give the form to the garnishee at the time of the garnishment. *See* ORS 18.685; 18.835.

2. Deliver garnishable property. A garnishee must immediately take steps to hold garnishable property upon receiving a garnishment.

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The property may then be delivered to the creditor or to the court. *See* ORS 18.685; 18.668.

3. TIMING: A garnishee must deliver a garnishee response within 7 days of receiving the garnishment. ORS 18.680(1). A garnishee is usually required to deliver the garnished property at the same time. ORS 18.682(4). However, there are exceptions to that rule. For example:

   a. A personal representative may wait until a probate case is completed to turn over garnished funds. ORS 18.672.

   b. A garnishee who owes money to the debtor has no duty to turn over the money until the due date previously negotiated with the debtor. ORS 18.685(5), (6).

4.7 When a Garnishee Does Not Cooperate:

A. If a garnishee fails to respond to a garnishment —or if a creditor is unsatisfied with a response— a creditor may:

1. Obtain a court order requiring the garnishee appear for an examination. ORS 18.778(1).

2. Obtain a court order requiring the garnishee appear for a hearing to determine whether a judgment should be entered against the garnishee. ORS 18.778(1); ORS 18.775.

B. A non-complying garnishee may be held responsible for:

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1. The lesser of the amount required to satisfy the garnishment or the amount of garnishable property in the hands of the garnishee at the time of the garnishment;

2. The creditor's costs, as determined by ORCP 68.

4.8 Income Withholding Orders and Uncooperative Employers:

A. If an employer or other entity subject to an income withholding order does not timely and properly pay the amounts owed under an income withholding order, an action may be brought against that employer/ entity. ORS 25.424(4).

B. The action may be brought by the obligor, by the obligee, or by DCS. ORS 25.424(4).

C. Failure to properly comply with the income withholding order can result in a judgment against the employer/ entity for:

1. All amounts that were not withheld or paid; ORS 25.424(2)(a)

2. Any damages suffered by the obligee as a result of the failure to withhold or withhold timely; ORS 25.424(2)(b), (c)

D. If the failure to comply was willful or grossly negligent, the employer/ entity shall also be held responsible for:

1. A penalty not to exceed $250 for each failed withholding or payment;

2. Attorney fees incurred by the plaintiff. ORS 25.424(5).

E. An non-complying employer/ entity may also be held liable for contempt of court. *See* ORS 25.424(7).

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BAIL INTERCEPT/CHALLENGE TO BAIL INTERCEPT

5.0 Child Support Program (CSP) Authority to Intercept Returned Bail

A. ORS 25.715(1) authorizes a court to order that the "bail" paid under ORS 135.265) that would otherwise be returned to the defendant shall be paid to CSP or the obligee to satisfy child support arrears; Amount taken may not exceed the amount of the arrears.

1. **Required elements:**

a. For returned bail, defendant must owe past due child support.

b. CSP or Obligee must file a motion.

c. Motion must be served on defendant.

d. Defendant has opportunity to respond and request hearing.

e. Court must find that an order is appropriate.

5.1 DCS Authority to Intercept Forfeited Bail: ORS 25.715(2) authorizes court to order that a forfeited security deposit be paid to CSP to satisfy child support arrears and to provide security for future payment per ORS 25.230.

A. **Required Elements:**

1. Forfeited bail can be taken for past due child support or to provide security for payment of child support obligation.

2. CSP must file a motion.

3. For forfeited bail must specify an amount to be applied to child support.

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4. Court must find that an order is appropriate.

5. Defendant cannot object as bail was forfeited.

5.2 Applies to Bail Posted by Third Parties

A. *State v. Baker*, 165 Or App 565, 998 P2d 700 (2000), involved third party who posted bail for a criminal defendant and signed a bail agreement acknowledging that the posted funds would be applied to all amounts owed by defendant on "this or any other case".

1. The court held that money posted as bail under ORS 135.265 that would ordinarily be returned to defendant can be applied to child support of defendant even if posted by a third party.

5.3 Typical Process

A. CSP files a motion and affidavit and proposed order. The motion asks that the bail be held until the motion is decided or bail has been forfeited. The motion also asks that any bail that is forfeited or otherwise returned to the defendant be paid to CSP for child support arrears.

1. After 30 days CSP submits a Supplemental Judgment unless defendant objects and requests a hearing.

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CONTEMPT PROCEEDINGS

6.0 Overview

A. Statutory Authority: ORS 33.015 to 33.155 govern contempt proceedings. Also *see* UTCR 19.

B. The power of a court to impose a remedial or punitive sanction for contempt of court is an inherent judicial power. ORS 33.025.

C. Definition: In the context of child support proceedings, "contempt of court" means the willful disobedience or resistance to or obstruction of court's authority, process, orders or judgments. ORS 33.015(2) (b).

D. "Willful disobedience" of a court order to pay child support, is established by showing that a party, aware of a court order to pay, neither has complied with nor sought modification of the order. *State ex rel Mikkelson v. Hill*, 315 Or 452, 847 P2d 402 (1993). A trial court need not make separate findings regarding "willfulness" and "bad intent" to support a judgment of contempt. *Barrett and Barrett*, 320 Or 372, 377 (1994); *Douthit and Swift*, 125 Or App 466, 470 (1993); *Couey and Couey*, 312 Or 302, 305-306 (1991) ("These cases demonstrate that this court never intended to make 'bad intent' an element separate from the requirement of 'willfulness'").

E. Prima Facie Case: Proof of three elements establishes a prima facie case of contempt:

1. Existence of a valid court order.

2. Respondent's knowledge of the order.

3. Willful Noncompliance (non payment and no pending modification).

F. Types of contempt sanctions: Court may impose remedial or punitive sanctions for contempt. ORS 33.045(1)

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6.1 Remedial Contempt

A. **Remedial sanction** is imposed to terminate a continuing contempt of court or to compensate for injury, damage, or costs resulting from a past or continuing contempt of court. ORS 33.015(4). Authorized remedial sanctions include:

1. An amount not to exceed $500 or one percent of the defendant's annual gross income, whichever is greater, for each day the contempt of court continues. May be imposed as a fine (payable to the court), or to compensate a party for the effects of the continuing contempt. ORS 33.105(1)(c).

2. **Confinement** for so long as the contempt continues, or six months, whichever is shorter. Period of incarceration or probation must include provision for respondent to be able to purge or escape the contempt, i.e. "six months or until the arrears are paid in full."

3. An order designed to ensure compliance with an order of the court, including probation.

4. Attorney fees. ORS 33.105(1)(e).

5. Any other sanction the court determines would be an effective remedy.

B. **Persons who may initiate remedial contempt action**

1. A party aggrieved by the alleged contempt.

2. A district attorney.

3. A city attorney.

4. The Attorney General.

C. **How initiated**

1. A remedial contempt case is initiated by motion requesting the court to order respondent to appear. ORS 33.055(2).

2. Motion must be supported by affidavit giving respondent notice of the specific acts alleged to constitute contempt. ORS 33.055(4).

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3. The motion and order to appear must state the maximum sanctions sought. UTCR 19.020.

4. If confinement is sought, the order to appear must give notice to defendant that:

   a. Confinement may be imposed and

   b. Defendant is entitled to be represented by counsel. If financially qualified, defendant has the right to appointed counsel. ORS 33.055(8).

D. **Standard of proof**: In remedial contempt case, standard of proof is clear and convincing evidence, **except that** if confinement is sought, the standard is beyond a reasonable doubt. ORS 33.055(11).

E. **Service** of motion and order to appear may be made by:

1. **Personal service** as provided in ORCP 7 and 9.

2. **Warrant or alternate method**. Upon motion and supporting affidavit, if the court finds that defendant cannot be personally served, the court may issue a warrant or order an alternate method of service. ORS 33.055 (5)(a)-(b).

3. **Substituted service** if defendant has waived personal service under ORS 107.835.[1]

F. **Failure to appear** If a person served with an order to appear fails to appear at the time and place specified in the order, the court may issue any order or warrant necessary to compel the appearance of the defendant. ORS 33.075(1).

G. **Trial or stipulation**.

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[1] **107.835 Waiver of personal service in subsequent contempt proceeding.** (1) When a court enters a judgment, order or modification of a judgment or order under ORS chapter 25, 107, 108, 109, 110 or 416, the court shall allow any party to the judgment or order to include in the judgment or order a waiver of personal service in a subsequent contempt proceeding in order to maintain the confidentiality of the party's residential address. In the waiver, the party shall give a contact address for service of process and select one of the following methods of substituted service: (a) Mailing address; (b) Business address; or (c) Specified agent. *****

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1. The court may impose a remedial sanction only after affording the defendant opportunity for a hearing tried to the court.

2. The defendant may waive the opportunity for a hearing by stipulated order filed with the court.

3. Defendant has no right to a jury trial and, except if confinement sought, has only those rights accorded to a defendant in a civil action. ORS 33.055(6)

6.2 Punitive Contempt

A. Punitive sanctions are those imposed to punish a past contempt of court. ORS 33.015(3).

B. Punitive Sanctions Authorized. ORS 33.105(2), ORS 33.065(8)-(9).

1. Fine up to $500 or 1% of Respondent's annual gross income, whichever is greater.

2. Forfeiture of any proceeds or profit obtained through the contempt.

3. Confinement for up to 6 months.

4. Probation or community service.

5. The court may impose a remedial sanction in addition to or in lieu of a punitive sanction. ORS 33.065(8).

C. Persons who may initiate an action seeking punitive sanctions: ORS 33.065:

1. District attorney.

2. City attorney.

3. Attorney General.

4. Appointed prosecutor. If a city attorney, district attorney or Attorney General declines to prosecute a punitive contempt, and the court determines that remedial sanctions would not provide an effective alternative remedy, the court may appoint an attorney

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who is not counsel for an interested party, to prosecute the contempt. ORS 33.065(3).

D. How initiated: by an accusatory instrument. ORS 33.065(2).

E. After the accusatory instrument is filed, the court may issue a warrant to compel Defendant's appearance. ORS 33.065 (4). Or the prosecutor may issue a citation to appear in lieu of custody. ORS 133.055. Defendant must be personally served by a peace officer with a copy of the citation and charging instrument.

F. Service: Defendant must be personally served with a copy of the instrument and be arraigned.

G. FAILURE TO APPEAR

1. **Citation**. The defendant in a punitive contempt proceeding may be cited to appear in lieu of custody as provided in ORS 133.055. (Criminal citation to appear by peace officer.) If the person fails to appear at the time and place specified in the citation, the court may issue any order or warrant necessary to compel the defendant's appearance. ORS 33.075(2).

2. **Security**. When the court issues a warrant for contempt, the court shall specify a security amount. Unless the defendant pays the security amount upon arrest, the sheriff shall keep the defendant in custody until either a release decision is made by the court or until disposition of the contempt proceedings.

3. **Release agreement**. The defendant shall be discharged from arrest upon executing and delivering to the sheriff, at any time before the return day of the warrant, a security release or a release agreement as provided in ORS 135.230 to 135.290, to the effect that the defendant will appear on the return day and abide by the order or judgment of the court or officer or pay, as may be directed, the sum specified in the warrant. ORS 33.075(4).

4. **Return of warrant and security** Sheriff shall return the warrant and the security deposit, if any, given to the sheriff by the defendant by the return day specified in the warrant. ORS 33.075(5).

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5. **Failure to appear on return date**. If defendant fails to appear on the return day, the court may do either or both of the following:

   a. Issue another warrant.

   b. Proceed against the security deposited upon the arrest.

      (i) If the court proceeds against the security and the sum specified is recovered, the court may award to any party to the action any or all of the money recovered as remedial damages.

      (ii) Security deposited under this section shall not be subject to the assessments provided for in ORS 137.309 (1) to (5).

H. Prima Facie Case: Proof of three elements establishes a prima facie case:

   1. Existence of a valid court order.

   2. Respondent's knowledge of the order.

   3. Willful non compliance.

I. Standard of Proof: Before imposing punitive sanctions, court must find proof of contempt beyond a reasonable doubt. ORS 33.065(9).

J. Statutory & Constitutional Protections: Except for the right to a jury trial, the defendant is entitled to the constitutional and statutory protections, including the right to appointed counsel, that a defendant would be entitled to in a criminal proceeding in which the fine or term of imprisonment that could be imposed is equivalent to the punitive sanctions sought in the contempt proceeding. ORS 33.065(6).

K. First Appearance = arraignment.

   1. Bench warrant authorized if Defendant fails to appear after service of the order to appear. ORS 33.075.

   2. Respondent asked:

      a. Understands why before the court.

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b. Understand the charge.

3. Respondent advised:

a. Nature of charge.

b. Maximum sanctions available, including jail, right to counsel, including appointed counsel if indigent.

c. Right to remain silent, cross-examine witnesses, subpoena witnesses.

4. Ask how respondent wishes to proceed:

a. Appoint attorney if requested and eligible.

b. If attorney requested, set over for entry of plea or hearing.

c. If attorney waived and responded plea guilty, set over for sentencing.

d. If attorney waived and respondent pleads not guilty, set over for trial.

6.3 Defenses

A. **Inability to comply** with the order, including inability to pay is an affirmative defense in a remedial contempt case. ORS 33.055(10).

1. In a punitive contempt case, if defendant proposes to rely in any way on evidence of inability to comply, the defendant shall, not less than five days before the trial, file and serve upon the prosecutor written notice of intent to offer that evidence. ORS 33.065(7).

2. If defendant fails to file and serve notice of this defense, the court may not allow defendant to introduce evidence of inability to comply, unless the court finds that there is just cause for failure to file. ORS 33.065(7).

3. The defendant must establish the affirmative defense by a preponderance of evidence. *State ex rel Mikkelson v. Hill*, 315 Or 452, 459 n. 6 (1993).

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B. **Ten year Statute of limitations**. Action must be filed within 10 years from the failure to pay a support obligation. Willful failure to pay a support obligation after that obligation becomes a judgment is a contempt without regard to when the obligation became a judgment. ORS 33.135

6.4 Miscellaneous Issues

A. **Compelling witnesses**. Upon motion of the person initiating the proceeding, court may compel the testimony of a witness as provided under ORS 136.617. [2]

1. In any case where the person initiating the proceeding is not represented by the district attorney, county counsel or Attorney General, the person initiating the proceeding shall serve a notice of intent to compel testimony on the district attorney of the county where the contempt proceeding is pending and on the Attorney General. The notice shall be served not less than 14 calendar days before any hearing on the motion to compel testimony.

2. Notice must include

   a. Identity of witness
   b. Witness' name, date of birth, residence address and Social Security number, and
   c. Case name and number of the contempt proceeding
   d. Date, time and place set for any hearing scheduled as provided in ORS 136.617.

3. Notice must be served on the district attorney and attorney general no later than 14 days before the hearing so that those offices may object. If notice is not served as required, the court shall grant a

[2] **136.617.** In any * * * proceeding for the imposition of remedial or punitive sanction for contempt, if a witness refuses to testify or produce evidence of any kind on the ground that the witness may be incriminated thereby, the prosecuting attorney may move the court to order the witness to testify or produce evidence. The court shall forthwith hold a summary hearing at which the prosecuting attorney shall show reasonable cause to believe the witness possesses knowledge relevant to the proceeding, or that no privilege protects the evidence sought to be produced. The witness may show cause why the witness should not be compelled to testify or produce evidence. The court shall order the witness to testify regarding the subject matter under inquiry upon such showing of reasonable cause or shall order the production of evidence upon a finding that no privilege protects the evidence sought, unless the court finds that to do so would be clearly contrary to the public interest. * * * The witness shall be entitled to be represented by counsel at the summary hearing. ORS 136.617.

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continuance for not less than 14 days from the date notice is served.

4. At hearing on a motion to compel testimony, the district attorney and the Attorney General each may appear to present evidence or arguments to support or oppose the motion.

5. In lieu of compelling testimony under this section, the court may continue the contempt proceeding until disposition of any criminal action that is pending against the witness whose testimony is sought and that charges the witness with a crime

B. **Admissibility of certified computer print-outs of the child support program.** Extrinsic evidence of authenticity is not required as a condition precedent to the admission of certified computer printouts of the child support program. Such records constitute prima facie evidence of the facts stated therein. ORS **25.220**

C. **Referral to another judge.** A judge may be disqualified from a contempt proceeding as provided for in other cases under ORS 14.210 to 14.270. ORS 14.260 (3)[3] shall not apply to a motion to disqualify a judge in a contempt proceeding. The judge to whom the contempt is referred shall assume authority over and conduct any further proceedings relating to the contempt. ORS 33.115.

[3] **14.260** (3) No motion to disqualify a judge shall be made after the judge has ruled upon any petition, demurrer or motion other than a motion to extend time in the cause, matter or proceeding. No motion to disqualify a judge or a judge pro tem, assigned by the Chief Justice of the Supreme Court to serve in a county other than the county in which the judge or judge pro tem resides shall be filed more than five days after the party or attorney appearing in the cause receives notice of the assignment.***

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7.0 State's Appearance Overview

A. State's Appearance is used when a party other than the State initiates a legal action which affects paternity or the establishment, modification or termination of child support and the State has an interest in the action.

1. Possible State Interests**:** paternity, child support or medical support, multiple orders, requesting notice of scheduled court proceedings, past support assigned, or a party that has recently applied for Child Support services**.**

B. Notice to the State is mandatory where legal action affects paternity or the establishment, modification or termination of child support where obligee or child is currently on assistance or the child is in state care. ORS 107.087, ORS 107.135(9), ORS 107.431(1)(c), ORS 109.103(4) and ORS 109.125(4).

C. If the State receives notice while proceedings are pending, it files a State's Appearance.

1. The State may file a basic State's Appearance if its interest is minimal.

2. The State may submit an affidavit and//or request oral argument if its interest is significant.

D. If the State does not receive notice of an action affecting paternity or the establishment, modification or termination of child support and the order is now final, the State has the following options:

1. When multiple orders exist, a governing child support judgment may resolve the conflict. ORS 25.091; 416.448. *See* Ch. 2 Multiple Orders.

2. When the State is not a party to the action and the State has a significant interest, the State may file a motion to join the State as a party and to set aside provisions affecting support or paternity. ORCP 29; ORCP 71.

   a. Set aside may be appropriate if a judicial court judgment is entered that does not enforce, modify or set aside the existing child support judgment. ORS 25.089(3); 25.091(5)(a).

3. When the State is a party to a final order, but determines set aside is appropriate, the State may file a motion to set aside, but need not join as a party.

   a. Set aside may be appropriate if an administrative order establishing support is entered after a judicial court judgment. ORS 416.415.

   b. Set aside may be appropriate if, within one (1) year, a mistake is discovered in an administrative order. ORS 416.465.

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STATE'S APPEARANCE

7.1 General Information

A. The State files a State's Appearance when a party, other than the State, initiates a legal action which affects paternity or the establishment, modification or termination of child support, and the State has an interest in the action.

7.2 State Interests

A. The State may wish to address one or more of the following interests:

1. Determining paternity.
2. Child support or medical support issues that have not been addressed or are out of compliance with statutory requirements.
3. An administrative or other court order covering the same parties and children.
4. Requesting notice of scheduled court proceedings.
5. The obligee's support rights are assigned to the State based on receipt of Temporary Assistance to Needy Families (TANF) or the children being enrolled in public health care coverage. ORS 412.024(1).
6. A party has recently applied for Child Support services

7.3 Mandatory notice to the State where obligee or child is currently on assistance or the child is in state care.

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A. If child support rights have been assigned to the State, Oregon law requires that the CSP be served with notice of the legal action that involves child support or paternity. See ORS 107.087, ORS 107.135(9), ORS 107.431(1)(c), ORS 109.103(4) and ORS 109.125(4).

7.4 Filing When State Receives Notice of Pending Proceedings

A. If the State receives notice while proceedings are pending, it files a State's Appearance.

1. If the State determines its interest is minimal, the State takes no position, files a State's Appearance within the pending proceedings for informational purposes only, and waives appearance.
2. If the State determines its interest is significant, the State takes a position, and files a State's Appearance within the pending proceedings along with a supporting affidavit. The State may choose to appear for additional oral argument or waive further appearance.

7.5 Filing When State Does Not Receive Notice and Order is Final

A. If the State does not receive notice, the State may later become aware of a final order affecting paternity or the establishment, modification or termination of child support. Rather than file a State's Appearance, the State has the following options:

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1. When multiple orders exist, a Governing Child Support Judgment may resolve the conflict. ORS 25.091; 416.448. *See* Ch. 2 Multiple Orders.

2. When the State is not a party to the action and the State has a significant interest, the State may file a motion to join the State as a party and to set aside provisions affecting support or paternity. ORCP 29; ORCP 71.

   a. Set aside may be appropriate if a judicial court judgment is entered that does not enforce, modify or set aside the existing child support judgment. ORS 25.089(3); 25.091(5)(a).

3. When the State is a party to a final order, but determines set aside is appropriate, the State may file a motion to set aside, but need not join as a party.

   a. Set aside may be appropriate if an administrative order establishing support is entered after a judicial court judgment. In that case, the administrative order is not valid and should be set aside. ORS 416.415.

   b. Set aside may be appropriate if, within one (1) year, a mistake is discovered in an administrative order. ORS 416.465.

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SPECIAL PROTECTIONS FOR SERVICE MEMBERS

8.0 Federal Protections: Servicemembers Civil Relief Act

A. If any party to a case is a service member on active duty, courts must comply with the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. App. § 501 *et seq*. SCRA issues to be aware of in the child support context include:

1. The court may be required to stay proceedings unless the service member affirmatively waives his/her appearance.

2. No default judgment may be entered against an active service member without first obtaining a waiver or appointing an attorney for the service member.

3. If a judgment has been entered against the service member during his/her period of military service, the court may be required to re-open the judgment to allow the service member to defend.

B. Any motion for order of default must be accompanied by an affidavit addressing whether or not the party against whom the order is sought is a member of the military. ORCP 69(C)(1)(e). If a party is a servicemember, the affidavit must contain sufficient facts to ensure compliance with the SCRA. ORCP 69(C)(2)(b). *Note*: SCRA requires the use of affidavits and does not provide for declarations.

C. Further Federal SCRA resources can be found at:

The Office of Child Support Enforcement: Child Support and the Judiciary, Applying the Servicemembers Civil Relief Act

A Judge's Guide to the Servicemembers Civil Relief Act, by Judge Mark E. Sullivan

8.1 Oregon Protections for Deployed Parents

A. Deployed parent means "a parent of a minor child whose parental rights have not been terminated who is deployed with the Armed Forces of the United State, Nation Guard or other reserve component." ORS 107.145(1).

B. Deployment means "military service in compliance with written orders received by an active duty or reserve member of the Armed Forces of the United States, National

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Guard or other reserve component to report for combat operations, contingency operations, peacekeeping operations, temporary duty, a remote tour of duty or other active military service." The time that a person is considered deployed includes:

1. The time from which the deployed parent receives and is subject to written orders to deploy to the time of actual deployment.

2. Any period of time the deployed parent is awaiting travel to or from a deployment destination.

3. Any period of time the deployed parent remains deployed because of sickness, wounds, leave or other lawful cause.

C. Restriction on Modifying Judgment with Deployed Parent as Party, ORS 107.145(2)

1. Except as set out in sections (C)(2) and (D) below, a court may not set aside, alter or modify any portion of a judgment of annulment, separation or dissolution of marriage that provides for the support and welfare of a minor child of a deployed parent until 90 days after the completion of the deployed parent's deployment. This restriction applies equally to judgments involving unmarried parents pursuant to ORS 109.103.

2. The exception to this general rule is where such a motion was heard and decided before the commencement of the deployed parent's deployment.

D. Temporarily Modifying Judgment with Deployed Parent as Party, ORS 107.145(3)

1. A court may reasonably accommodate the circumstances of the deployed parent's deployment in the best interests of the child by entering a temporary order modifying the terms of a preexisting judgment of annulment, separation or dissolution of marriage that provides for the support of a minor child of a deployed parent.

2. Any motion for such a temporary order must be served upon the Administrator of the Division of Child Support of the Department of Justice or the branch office providing support services.

3. The non-deployed parent bears the burden of proof that the provisions of a temporary order made under this subsection are not in the best interests of the child.

4. A temporary order entered under this subsection must include provisions regarding:

   a. Parenting time for the deployed parent during periods of approved leave in the best interests of the child;

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b. Parenting time for the deployed parent during periods of deployment in the best interests of the child including but not limited to contact by telephone, electronic mail and other electronic means such as video and visual imaging;

c. Modification of the child support provisions of the preexisting judgment to reflect the changed circumstances of the parents and the child during the period of deployment;

d. A requirement that the non-deployed parent provide the court and the deployed parent with written notice 30 days prior to a change of address or telephone number during the period of deployment;

e. That the temporary order entered under this subsection terminates by operation of law upon completion of deployment and that the provisions of the preexisting judgment that have been modified by the temporary order are automatically reinstated unless a request is made and granted under subsection (5) of this section;

f. That all other provisions of the preexisting judgment not modified by the temporary order remain in effect; and

g. That deployment is considered completed for purposes of reinstating the provisions of the preexisting judgment that have been modified by the temporary order 10 days after the date on which the deployed parent serves the non-deployed parent and provides to the court and to the Administrator of the Division of Child Support of the Department of Justice or the branch office providing support services to the county in which the motion is filed copies of written orders or other official notification that the deployed parent is no longer deployed or in active military service.

E. Expedited hearings, ORS 107.146

1. The court must hold an expedited hearing, upon motion by a deployed parent or parent whose deployment is imminent, in:

   a. Any proceeding in a suit for marital annulment, dissolution, separation, modification, status quo orders and temporary support modifications.

   b. Applies to proceedings involving unmarried parents pursuant to ORS 109.103.

   c. Any proceeding for a temporary order modifying the terms of a preexisting judgment of annulment, separation or dissolution of marriage that provides for the support of a minor child of a deployed parent, discussed above.

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2. The court must make reasonable accommodations to allow a deployed parent, or a parent whose deployment is imminent, to provide video, electronic or Internet testimony if the proceeding involves the custody, parenting time, visitation, support and welfare of the parent's child and where the deployed parent or the parent whose deployment is imminent cannot personally appear.

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137-050-0700
General Provisions

(1) ORS 25.270 through ORS 25.280 require that child support be calculated according to a formula. The formula is known as the "Oregon Child Support Guidelines" ("guidelines" or "guideline") and is contained in OAR 137-050-0700 through OAR 137-050-0765 and in the "Obligation Scale" which is located in the appendix.

(2) Any change to the guidelines applies to all calculations prepared on or after the effective date of the change. The court, administrator, or administrative law judge may issue a final order based on a calculation prepared prior to the guidelines change. However, if support is recalculated after the new guidelines become effective, the calculation must be prepared using the new guidelines.

(3) Changes to these rules do not constitute a substantial change in circumstances for purposes of modifying a support order.

(4) Calculate support for a Child Attending School who is age 18, living with a parent, and attending high school in the same manner as support for a minor child.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-050-0710
Calculating Child Support

(1) To calculate the guideline support amount:

(a) Determine each parent's income as provided in OAR 137-050-0715.

(b) Determine each parent's adjusted income and percentage share of adjusted income as provided in OAR 137-050-0720.

(c) Determine each parent's income available for support ("available income") by deducting the self-support reserve from the parent's adjusted income as provided in OAR 137-050-0745.

(d) Determine the basic support obligation and each parent's share, of the basic support obligation as provided in OAR 137-050-0725.

(e) Add to each parent's basic support obligation the parent's share of child care costs as provided in OAR 137-050-0735.

(f) Determine each parent's medical support obligation as provided in OAR 137-050-0750. Add each parent's share of health care coverage costs to the parent's obligation. Round cash medical support, if any, to the nearest dollar.

(g) Determine each parent's parenting time credit as provided in OAR 137-050-0730.

(h) Credit each parent's cash child support obligation for:

(A) parenting time as provided in OAR 137-050-0730,

(B) the parent's allowed out-of pocket costs for child care as provided in OAR 137-050-0735,

(C) Social Security or Veterans benefits as provided in OAR 137-050-0740, and

(D) the parent's out-of-pocket health insurance costs for the child as provided in OAR 137-050-0750.

(i) Determine whether the parent will be ordered to pay cash child support or cash medical support for minor children as follows:

(A) Only the parent with the greater support after credits as determined in section (1)(h) of this rule may be ordered to pay cash child support and, if applicable, cash medical support, for the minor children, except as provided in subsection (B).

(B) If a minor child lives with a caretaker or is in state care, both parents may be ordered to pay cash child support and, if applicable, cash medical support.

(j) Determine whether the minimum order applies and apply any necessary increase as provided in OAR 137-050-0755.

(k) If the parent will be ordered to pay cash child support for minor children, determine the amount by dividing each parent's cash child support obligation by the total number of joint

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children and multiplying the result by the number of joint minor children. Round the result to the nearest dollar.

(L) Determine the cash child support obligation for joint Children Attending School by dividing each parent's cash child support obligation by the total number of joint children and multiplying the result by the number of joint Children Attending School. Round the result to the nearest dollar.

(m) Allocate cash medical support to joint minor children and joint Children Attending School in the same manner provided for cash child support in sections (1)(k) and (1)(L) of this rule.

(2) Round all dollar figures to the nearest penny, except as otherwise provided. Example: $12.34. Round all percentages to the nearest one-hundredth of one percent. Example: 12.34%.

(3) If all of the minor children for whom support is being calculated live with a caretaker other than a parent or the children are in the care or custody of the state, and the action is determining the support obligation of only one parent, consider only that parent's information. For the second parent in these single-parent calculations, use the same income, spousal support, union dues, parent's own health care coverage cost, and non-joint children as for the parent whose obligation is being calculated. Include the caretaker's child care costs, if any. Do not include any other information for the "other parent".

(4) The obligations to pay cash child support and cash medical support, and to provide health care coverage under this rule together constitute the guideline child support obligation and are presumed just and appropriate, subject to the agreed support amount in OAR 137-050-0765 and rebuttal as provided in OAR 137-050-0760.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-050-0715
Income

(1) “Income” means the actual or potential gross income of a parent as determined in this rule. Actual and potential income may be combined when a parent has actual income and is unemployed or employed at less than the parent’s potential.

(2) “Actual income” means a parent's gross earnings and income from any source, including those sources listed in section (4), except as provided in section (5).

(3) "Potential income" means the parent's ability to earn based on relevant work history, including hours typically worked by or available to the parent, occupational qualifications, education, physical and mental health, employment potential in light of prevailing job opportunities and earnings levels in the community, and any other relevant factors. A determination of potential income includes potential income from any source described in section 4 of this rule.

(4) Actual income includes but is not limited to:

(a) Employment-related income including salaries, wages, commissions, advances, bonuses, dividends, recurring overtime pay, severance pay, pensions, and honoraria;

(b) Expense reimbursements, allowances, or in-kind payments to a parent, to the extent they reduce personal living expenses;

(c) Annuities, trust income, including distribution of trust assets, and return on capital, such as interest and dividends;

(d) Income replacement benefit payments including Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, and Department of Veterans Affairs disability benefits;

(e) Inheritances, gifts and prizes, including lottery winnings; and

(f) Income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, minus costs of goods sold, minus ordinary and necessary expenses required for self-employment or business operation, including one-half of the parent’s self-employment tax, if applicable. Specifically excluded from ordinary and necessary expenses are amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the fact finder to be inappropriate or excessive for determining gross income.

(5) Child support, food stamps, Social Security or Veterans benefits received on behalf of a child in the household, adoption assistance, guardianship assistance, and foster care subsidies are not considered income for purposes of this calculation.

(6) If a parent's actual income is less than the parent's potential income, the court, administrator, or administrative law judge may impute potential income to the parent.

(7) If insufficient information about the parent's income history is available to make a determination of actual or potential income, the parent’s income is the amount the parent could

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earn working full-time at the minimum wage in the state in which the parent resides.

(8) Potential income may not be imputed to:

(a) A parent unable to work full-time due to a verified disability;

(b) A parent receiving workers' compensation benefits;

(c) An incarcerated obligor as defined in OAR 137-055-3300; or

(d) A parent whose order is being temporarily modified under ORS 416.425(13).

(9) To determine monthly income when the employee is paid:

(a) Weekly, multiply the weekly earnings by 52 and divide by 12.

(b) Every two weeks, multiply the bi-weekly earnings by 26 and divide by 12.

(c) Semimonthly (twice per month), multiply the semimonthly earnings by 2.

(10) Notwithstanding any other provision of this rule, if the parent receives Temporary Assistance for Needy Families, the parent's income is presumed to be the amount which could be earned by full-time work at the minimum wage in the state in which the parent resides. This income presumption is solely for the purposes of the support calculation and not to overcome the rebuttable presumption of inability to pay in ORS 25.245.

(11) As used in this rule, "full-time" means 40 hours of work in a week except in those industries, trades or professions in which most employers, due to custom, practice or agreement, utilize a normal work week of more or less than 40 hours in a week.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-050-0720
Adjusted Income

(1) To determine “adjusted income,” begin with income, as determined in OAR 137-050-0715, and then:

(a) Deduct mandatory contributions to a union or other labor organization;

(b) Deduct the parent's cost for the parent's own health insurance.

(c) Deduct the parent’s monetary spousal support obligation to this or a different party, whether ordered in the same or a different proceeding, and whether paid or not;

(d) Add the amount of court-ordered monetary spousal support owed to the parent, whether ordered in the same or a different proceeding, by this or a different party and whether paid or not; and

(e) Subtract the non-joint child deduction described in section (2) of this rule.

(2) A parent is entitled to a non-joint child income deduction when the parent is legally responsible for the support of a child not included in the current calculation.

(a) To qualify for the non-joint child deduction, the minor child must reside in the parent’s household or the parent must be ordered to pay ongoing support for that child.

(b) A child attending school, as defined in ORS 107.108 and OAR 137-055-5110, qualifies the parent for the non-joint child deduction only if the parent is ordered to pay ongoing support for the child attending school, or as provided in subsection (c).

(c) A child who has reached the age of 18 but is not yet 19, lives with a parent and attends high school, qualifies that parent for the non-joint child deduction, whether or not the child has qualified as a Child Attending School under ORS 107.108.

(d) A stepchild only qualifies a parent for the non-joint child deduction if the parent is ordered to pay ongoing support for the stepchild.

(e) To calculate a parent's non-joint child deduction:

(A) Apply the adjustments described in subsections 1(a)-1(d) of this rule to the parent’s income;

(B) Using the parent's income after the adjustments in section 2(e)(A) of this rule and total number of joint and non-joint children, reference the obligation scale and determine the applicable support amount; and

(C) Divide the result by the total number of the parent's joint and non-joint children and multiply by the number of non-joint children to determine the amount of the non-joint child deduction.

(3) Determine each parent's percentage share of adjusted income by dividing the parent's adjusted income by the parents' combined adjusted income.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-050-0725
Basic Support Obligation

(1) The scale of basic child support obligations, found in the appendix to these rules, must be used in every support calculation made under ORS 25.270 to 25.280. The scale is based on national data on childrearing expenditures relative to family income. The scale applies regardless of where the parent resides or works.

(2) Determine the basic child support obligation by referencing the scale using the number of children for whom support is sought and the combined adjusted income of the parents.

(3) If the combined adjusted gross income of the parents is more than $30,000 per month, the basic child support obligation is the same for parents with combined adjusted income of $30,000 per month.

(4) The basic child support obligation for more than ten children is the same as for ten children.

(5) When the parents' combined income falls between two income amounts on the scale, use the lower income amount on the scale to determine the basic child support obligation.

(6) Determine each parent's share of the basic support obligation by multiplying the combined basic support obligation by the parent's percentage share of adjusted income as provided by OAR 137-050-0720. The basic support amount may not exceed the parent's income available for support as provided in OAR 137-050-0745.

Link to the appendix (the scale):
http://oregonchildsupport.gov/laws/rules/docs/guidelines_scale.pdf

Stat. Auth.: ORS 25.275, 25.280, 180.345
Stats. Implemented: ORS 25.275, 25.280
Effective date: July 1, 2013

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137-050-0730
Parenting Time Credit

(1) For the purposes of this rule:

(a) “Primary physical custody” means the parent provides the primary residence for the child and is responsible for the majority of the day-to-day decisions concerning the child.

(b) “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, calculate each parent's overnights for the minor children as follows:

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

(b) Add the total number of overnights the parent is allowed with each minor child and divide by the total number of minor children

(c) Notwithstanding the calculation provided in subsections (2)(a) and (2)(b), 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 minor 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, blocks of time of four hours up to 12-hours 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 parenting time overnights by dividing the number of minor children with the parent by the total number of children and multiplying by 365.

(4) If there is no current written parenting time agreement or court order providing for parenting time, the parent or party having primary physical custody of the minor child will be treated as having all of the parenting time for that child 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 parenting time overnights may be calculated using the actual parenting time exercised by the parent.

(6) Determine each parent's parenting time credit percentage as follows:

credit percentage=1/(1+e^(-7.14*((overnights/365)-0.5)))-2.74%+(2*2.74%*(overnights/365))

(a) The precisely computed credit percentage is preferred. However, where this is impractical (for example, when calculating support by hand) an approximate credit percentage can be determined by referencing the table at the end of this rule using the parents' average overnights determined in step 2, 3, or 4, rounding up or down to the nearest whole number of overnights.

(7) To determine the amount of each parent’s parenting time credit:

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(a) Determine the minor children's portion of the combined basic support obligation, as determined in OAR 137-050-0725(2), by dividing the combined basic support obligation by the total number of minor children and children attending school and multiply the result by the number of minor children only.

(b) Multiply the result by each parent's parenting time credit percentage.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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Table: Parenting time credit percentage by number of overnights

Overnights	Credit %	Overnights	Credit %	Overnights	Credit %	Overnights	Credit %
0	0.00%	36	3.19%	72	8.67%	108	17.77%
1	0.07%	37	3.30%	73	8.87%	109	18.09%
2	0.14%	38	3.42%	74	9.07%	110	18.41%
3	0.21%	39	3.54%	75	9.27%	111	18.73%
4	0.28%	40	3.66%	76	9.48%	112	19.06%
5	0.35%	41	3.78%	77	9.68%	113	19.39%
6	0.42%	42	3.91%	78	9.90%	114	19.72%
7	0.49%	43	4.04%	79	10.11%	115	20.06%
8	0.57%	44	4.16%	80	10.33%	116	20.40%
9	0.65%	45	4.30%	81	10.55%	117	20.75%
10	0.72%	46	4.43%	82	10.77%	118	21.10%
11	0.80%	47	4.56%	83	11.00%	119	21.45%
12	0.88%	48	4.70%	84	11.23%	120	21.81%
13	0.96%	49	4.84%	85	11.47%	121	22.17%
14	1.04%	50	4.98%	86	11.70%	122	22.54%
15	1.13%	51	5.12%	87	11.94%	123	22.90%
16	1.21%	52	5.27%	88	12.19%	124	23.27%
17	1.29%	53	5.41%	89	12.43%	125	23.65%
18	1.38%	54	5.56%	90	12.68%	126	24.03%
19	1.47%	55	5.71%	91	12.94%	127	24.41%
20	1.56%	56	5.87%	92	13.19%	128	24.80%
21	1.65%	57	6.02%	93	13.45%	129	25.19%
22	1.74%	58	6.18%	94	13.72%	130	25.58%
23	1.84%	59	6.34%	95	13.98%	131	25.98%
24	1.93%	60	6.51%	96	14.25%	132	26.38%
25	2.03%	61	6.67%	97	14.53%	133	26.78%
26	2.12%	62	6.84%	98	14.80%	134	27.19%
27	2.22%	63	7.01%	99	15.08%	135	27.60%
28	2.32%	64	7.19%	100	15.37%	136	28.01%
29	2.43%	65	7.36%	101	15.66%	137	28.43%
30	2.53%	66	7.54%	102	15.95%	138	28.85%
31	2.64%	67	7.72%	103	16.24%	139	29.27%
32	2.74%	68	7.91%	104	16.54%	140	29.70%
33	2.85%	69	8.09%	105	16.84%	141	30.13%
34	2.96%	70	8.28%	106	17.15%	142	30.56%
35	3.08%	71	8.47%	107	17.46%	143	31.00%

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144	31.44%	181	49.24%	218	67.23%	255	81.59%
145	31.88%	182	49.75%	219	67.68%	256	81.91%
146	32.32%	183	50.25%	220	68.12%	257	82.23%
147	32.77%	184	50.76%	221	68.56%	258	82.54%
148	33.22%	185	51.26%	222	69.00%	259	82.85%
149	33.68%	186	51.76%	223	69.44%	260	83.16%
150	34.13%	187	52.27%	224	69.87%	261	83.46%
151	34.59%	188	52.77%	225	70.30%	262	83.76%
152	35.05%	189	53.27%	226	70.73%	263	84.05%
153	35.52%	190	53.77%	227	71.15%	264	84.34%
154	35.99%	191	54.27%	228	71.57%	265	84.63%
155	36.45%	192	54.77%	229	71.99%	266	84.92%
156	36.93%	193	55.27%	230	72.40%	267	85.20%
157	37.40%	194	55.77%	231	72.81%	268	85.47%
158	37.88%	195	56.27%	232	73.22%	269	85.75%
159	38.35%	196	56.77%	233	73.62%	270	86.02%
160	38.83%	197	57.26%	234	74.02%	271	86.28%
161	39.32%	198	57.75%	235	74.42%	272	86.55%
162	39.80%	199	58.25%	236	74.81%	273	86.81%
163	40.29%	200	58.74%	237	75.20%	274	87.06%
164	40.77%	201	59.23%	238	75.59%	275	87.32%
165	41.26%	202	59.71%	239	75.97%	276	87.57%
166	41.75%	203	60.20%	240	76.35%	277	87.81%
167	42.25%	204	60.68%	241	76.73%	278	88.06%
168	42.74%	205	61.17%	242	77.10%	279	88.30%
169	43.23%	206	61.65%	243	77.46%	280	88.53%
170	43.73%	207	62.12%	244	77.83%	281	88.77%
171	44.23%	208	62.60%	245	78.19%	282	89.00%
172	44.73%	209	63.07%	246	78.55%	283	89.23%
173	45.23%	210	63.55%	247	78.90%	284	89.45%
174	45.73%	211	64.01%	248	79.25%	285	89.67%
175	46.23%	212	64.48%	249	79.60%	286	89.89%
176	46.73%	213	64.95%	250	79.94%	287	90.10%
177	47.23%	214	65.41%	251	80.28%	288	90.32%
178	47.73%	215	65.87%	252	80.61%	289	90.52%
179	48.24%	216	66.32%	253	80.94%	290	90.73%
180	48.74%	217	66.78%	254	81.27%	291	90.93%

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292	91.13%	329	96.81%				
293	91.33%	330	96.92%				
294	91.53%	331	97.04%				
295	91.72%	332	97.15%				
296	91.91%	333	97.26%				
297	92.09%	334	97.36%				
298	92.28%	335	97.47%				
299	92.46%	336	97.57%				
300	92.64%	337	97.68%				
301	92.81%	338	97.78%				
302	92.99%	339	97.88%				
303	93.16%	340	97.97%				
304	93.33%	341	98.07%				
305	93.49%	342	98.16%				
306	93.66%	343	98.26%				
307	93.82%	344	98.35%				
308	93.98%	345	98.44%				
309	94.13%	346	98.53%				
310	94.29%	347	98.62%				
311	94.44%	348	98.71%				
312	94.59%	349	98.79%				
313	94.73%	350	98.87%				
314	94.88%	351	98.96%				
315	95.02%	352	99.04%				
316	95.16%	353	99.12%				
317	95.30%	354	99.20%				
318	95.44%	355	99.28%				
319	95.57%	356	99.35%				
320	95.70%	357	99.43%				
321	95.84%	358	99.51%				
322	95.96%	359	99.58%				
323	96.09%	360	99.65%				
324	96.22%	361	99.72%				
325	96.34%	362	99.79%				
326	96.46%	363	99.86%				
327	96.58%	364	99.93%				
328	96.70%	365	100.00%				

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137-050-0735
Child Care Costs

(1) Adjust the support obligation for child care costs paid by either parent or the child's caretaker if the child for whom support is being calculated is disabled or under the age of 13.

(2) Child care costs must be related to the parent's or caretaker's employment, job search, or training or education necessary to obtain a job. Only actual costs paid by a parent or caretaker for child care that can be documented and determined may be used to compute an adjustment under these rules.

(3) Child care costs are allowable only to the extent that they are reasonable and, except as provided in section (4), do not exceed the maximum amounts set out in Table 1.

Table 1: Maximum Allowable Child Care Costs by Provider Location

Age of Child	Cities of Portland, Bend, Eugene, Corvallis, Springfield, Monmouth, Ashland Maximum Per Child	All Other Oregon or Out of State Locations Maximum Per Child
Newborn to 1 year	$900	$595
1 year to 3 years	$894	$575
3 years to 6 years	$705	$475
6 years and older	$698	$460

(4) The maximum amounts allowed by the Department of Human Services as shown in the Employment-Related Day Care Allowance tables in OAR 461-155-0150, available on line at http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_461/461_tofc.html or http://dhsmanuals.hr.state.or.us/EligManual/07cc-f.htm#RateCharts, may be used when those amounts are greater than the amounts in the abbreviated table in section (3).

(5) Each parent's obligation for child care costs is that parent's income share percentage as provided by OAR 137-050-0720 multiplied by the total allowed child care costs. A parent's child care cost obligation may not exceed the parent's available income after deducting the parent's basic support obligation.

(6) As used in section 1 of this rule, "disabled" refers to a child who has a physical or mental disability that substantially limits one or more major life activities (for example, self-care, performing manual tasks, walking, seeing, speaking, hearing, eating, sleeping, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, and working).

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-050-0740
Social Security and Veterans Benefits

(1) For the purposes of this rule:

(a) "Apportioned Veterans benefits" means the amount the U.S. Department of Veterans Affairs deducts from an obligated parent's Veterans benefits and disburses to the child or to the child's representative payee; and

(b) "Social Security benefits" refer to those benefits paid on behalf of a disabled or retired obligated parent to a child or a child's representative payee.

(2) The cash child support obligation may be reduced dollar for dollar in consideration of any Social Security or apportioned Veterans benefits; and

(3) The cash child support obligation must be reduced dollar for dollar in consideration of any Survivors' and Dependents' Educational Assistance (Veterans benefit) under 38 U.S.C. chapter 35.

(4) A parent is not entitled to a reduction in support for Veterans or Social Security benefits:

(a) that result from the child's own disability,

(b) for which the obligated parent is the representative payee, or

(c) that do not result from the obligated parent's own disability or retirement, or, in the case of subsection (3), from that parent's military service.

Stat. Auth: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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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.

(2) To determine the amount of the parent's income available for support ("available income"), subtract the self-support reserve of $1117 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).

(5) The amount of the self-support reserve is based on the federal poverty guideline, multiplied by 1.167 to account for estimated taxes. 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, 2013

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137-050-0750
Medical Support

(1) The basic support obligation (OAR 137-050-0725) includes ordinary unreimbursed medical costs of $250 per child per year. These costs represent everyday expenses such as bandages, non-prescription medication, and co-pays for doctor's well visits. The basic support obligation does not account for health care coverage costs or for extraordinary medical expenses.

(2) "Cash medical support", as used in OAR 137-050-0700 through 137-050-0765, has the meaning given in ORS 25.321(1).

(3) 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.

(4) 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, spouse, or domestic partner.

(5) Private health care coverage is reasonable in cost if it costs no more than the total of four percent of each parent's adjusted income as determined in OAR 137-050-0720.

(a) The amount calculated for each parent in this section may not exceed that parent's available income after deducting the parent's shares of basic support obligation and child care costs.

(b) The reasonable cost contribution of a parent whose income is at or below the Oregon minimum wage for full-time employment is zero.

(6) A parent with income at or below the Oregon minimum wage for full-time employment may be ordered to provide health care coverage only if it is available at no cost.

(7) Compelling factors may support a finding that health care coverage is reasonable in cost at an amount greater than the amount determined in section 5 of this rule so long as the providing parent has income greater than full-time employment at the Oregon minimum wage.

(8) In determining the cost of private health care coverage, consider only the cost to the parents of covering the children for whom support is sought. To calculate the amount to be considered:

(a) If there is a known cost for self-only coverage for the providing parent, deduct that cost from the cost of family coverage. Divide the remainder by the total number of people covered, excluding the providing parent. Multiply the result by the number of children for whom coverage is sought in the present calculation.

(b) If there is no self-only coverage option or the cost cannot be determined, divide the total cost of coverage by total number of people covered, including the providing parent. Multiply the result by the number of children for whom coverage is sought in the present calculation.

(9) 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.

(10) If both parents have access to appropriate, available private health care coverage, the

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parent with the greater share of parenting time as determined in OAR 137-050-0730 (Parenting Time Credit) may select which coverage will be ordered.

(a) If the parent with the greater share of parenting time does not select between the parents' coverage, or each parent has exactly 50% or 182.5 overnights of parenting time and the parents do not agree on which policy should be ordered, the policy with the lower out-of-pocket premium cost will be ordered unless the court, administrator, or administrative law judge makes a finding that the more expensive policy should be ordered.

(b) The parents may agree that both parents will be ordered to provide private coverage if both parents have appropriate coverage available so long as the total coverage to be provided is reasonable in cost under sections 5 or 7 of this rule.

(11) If the child lives with a caretaker, both parents are parties to the action, and both parents have appropriate and available private health care coverage, the caretaker may select which coverage will be ordered. If the caretaker does not select between the parents' coverage, the policy with the lower out-of-pocket premium cost will be ordered unless the court, administrator, or administrative law judge makes a finding that the more expensive policy should be ordered.

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

(a) One or both parents must be ordered to provide appropriate private health care coverage at any time whenever it becomes available;

(b) The parent with custody of the child may be ordered to provide public health care coverage for the child; and

(c) Either or both parents who are found to have a cash child support obligation as provided in OAR 137-050-0710(1)(k) must be ordered to pay cash medical support, or the order must include a finding explaining why cash medical support is not ordered. The amount of the cash medical support obligation is the lesser of:

(A) four percent of the parent’s adjusted income as determined in OAR 137-050-0720,

(B) the parent’s available income after deducting the parent's shares of basic support obligation and child care costs, or

(C) zero, if the parent’s income is at or below the Oregon minimum wage for full-time employment.

(13) A medical support clause may order an obligor to provide appropriate private health care coverage whenever it is available to the obligor, and to pay cash medical support whenever the obligor does not provide appropriate private health care coverage.

(14) Determine each parent’s share of the cost of health care coverage to be ordered under this rule by multiplying the total cost by each parent’s percentage share of the parents’ combined reasonable in cost limitation, as determined in section 5 of this rule.

(a) If only one parent has income above the minimum wage, that parent is responsible for all

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health care coverage costs. No share of the cost is apportioned to a parent with income at or below minimum wage.

(15) When enforcing the health insurance provision of a child support judgment entered under this rule, health insurance is reasonable in cost if the premium cost for the child is equal to or less than the amount that was determined reasonable in cost under section 5 of this rule based on both parents' income at the time support was calculated, regardless of whether that cost exceeds either:

(a) The providing parent's individual contribution to the reasonable cost cap, or

(b) The actual cost of insurance allocated to the providing parent under section 14 of this rule.

Stat. Auth.: ORS 25.270 – 25.290, 25.323, 180.345
Stats. Implemented: ORS 25.270 – 25.290, 25.321 – 25.343
Effective date: July 1, 2013

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137-050-0755
Minimum Order

(1) Notwithstanding any other provision of OAR 137-050-0700 to 137-050-0760, it is rebuttably presumed that an obligated parent is able to pay at least $100 per month as child support, except as provided in section (2).

(2) The presumption in this rule does not apply when:

(a) Each parent has exactly 182.5 annual average overnights as determined by OAR 137-050-0730;

(b) The administrator is entering an order which requires only medical support; or

(c) The parent from whom support is sought:

(A) Has disability benefits as a sole source of income;

(B) Is incarcerated and without ability to pay as described in OAR 137-055-3300(4); or

(C) Receives public benefits as defined in ORS 25.245.

Stat. Auth.: ORS 25.275, 25.280, 180.345
Stats. Implemented: ORS 25.275, 25.280
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137-050-0760
Rebuttals

(1) The presumption that the guideline support amount as provided in OAR 137-050-0700 through OAR 137-050-0755 is the correct support amount may be rebutted by a finding that sets out the presumed amount, concludes that it is unjust or inappropriate, and sets forth a different amount and a reason it should be ordered. A supplemental calculation is not required but may be used in support of the rebuttal. The criteria that may be the basis for rebuttal include but are not limited to:

(a) Evidence of the other available resources of the parent;

(b) The reasonable necessities of the parent;

(c) The net income of the parent remaining after withholding required by law or as a condition of employment;

(d) A parent's ability to borrow;

(e) The number and needs of other dependents of a parent;

(f) The special hardships of a parent affecting the parent's ability to pay support, including, but not limited to, any medical circumstances, extraordinary travel costs related to the exercise of parenting time, or requirements of a reunification plan if the child is in state-financed care;

(g) The desirability of the custodial parent remaining in the home as a full-time parent or working less than full-time to fulfill the role of parent and homemaker;

(h) The tax consequences, if any, to both parents resulting from spousal support awarded, the determination of which parent will name the child as a dependent, child tax credits, or the earned income tax credit received by either parent;

(i) The financial advantage afforded a parent's household by the income of a spouse or domestic partner;

(j) The financial advantage afforded a parent's household by benefits of employment including, but not limited to, those provided by a family owned corporation or self-employment, such as housing, food, clothing, health benefits and the like, but only if unable to include those benefits as income under OAR 137-050-0715;

(k) Evidence that a child who is subject to the support order is not living with either parent;

(L) Findings in a judgment, order, decree or settlement agreement that the existing support award is or was made in consideration of other property, debt or financial awards, and those findings remain relevant;

(m) The net income of the parent remaining after payment of mutually incurred financial obligations;

(n) The tax advantage or adverse tax effect of a parent's income or benefits;

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(o) The extraordinary or diminished needs of the child, except:

(A) Expenses for extracurricular activities and

(B) Social Security benefits paid to a child because of a child's disability;

(p) The return of capital.

(q) The financial costs of supporting a Child Attending School at school, including room, board, tuition and fees, and discretionary expenses, the ability of the Child Attending School to meet those expenses with scholarships, grants and loans, and the ability of a parent to provide support for the Child Attending School, either in kind where a child continues to live in a parent's home or with cash if there are parental resources to provide financial support over and above the amount for a Child Attending School generated by the child support calculator.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-050-0765
Agreed Support Amount

(1) It is in the best interest of children to have support orders reached by agreement of the parents. Entering orders with the parents' consent promotes positive parental involvement and prompt, consistent payment of the support obligation. Parents who enter into agreed support amounts avoid the uncertainty of hearings and possible appeals.

(2) The guideline support amount and rebuttal factors are intended to meet the needs of most families. Likewise, the rebuttal factors in OAR 137-050-0760 address most situations in which the guideline amount is inappropriate. However, there will be families for whom the support amount, even rebutted, is not correct and who value the certainty of agreed support amounts.

(3) In consideration of foregoing hearing and appeal rights, the parties may consent to a support amount that is within 15 percent of the amount determined under rules 137-050-0700 through 137-050-0760. The order must be entered with the written consent of the parties.

(4) Apply any change to the support amount under this rule proportionally to cash child support and cash medical support, and to minor children and Children Attending School. Round each result to the nearest dollar.

(5) An agreed support amount entered pursuant to this rule is presumed to be just and appropriate within the meaning of ORS 25.280.

Stat. Auth.: ORS 25.270 – 25.290, 180.345
Stats. Implemented: ORS 25.270 – 25.290
Effective date: July 1, 2013

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137-055-4620
Enforcing Health Care Coverage and Cash Medical Support

(1) If services are being provided pursuant to ORS 25.080 and private health care coverage is ordered the administrator will issue a medical support notice to enforce orders for health care coverage within two business days of receiving information that an employer has hired or rehired a providing party, as defined in ORS 25.321, or at any time when the administrator determines it is necessary; and

(a) An obligor or obligee is ordered to provide appropriate health care coverage for a child as required by ORS 25.321, OAR 137-050-0750;

(b) The providing party has failed to provide appropriate health care coverage, either personally or through a spouse's or domestic partner's coverage; and

(c) The employer offers or may offer a health benefit plan to its employees.

(2) Notwithstanding the provisions of section (1), if the party ordered to provide appropriate health care coverage is an active duty or retired member of the military, the administrator will not issue a medical support notice to the military.

(3) If the conditions in section (2) apply:

(a) The administrator will inform the obligee, if the obligee is not the providing party, of the process to initiate military health care coverage enrollment for the dependent child; and

(b) If the medical child support rights for the dependent child are currently assigned to the state, the administrator will require either party to make all reasonable efforts to enroll the child in military health care coverage.

(4) When a medical support notice has been served and the providing party is not enrolled in a health benefit plan or is not enrolled in a plan that offers dependent coverage that is available pursuant to ORS 25.323, and if more than one plan is offered, the administrator will select a plan in accordance with OAR 137-055-4640.

(5) A party can contest the medical support notice as set out in ORS 25.333.

(6) When the administrator is notified that the amount to be withheld for premiums is greater than is permissible under ORS 25.331 the administrator will review the circumstances and, if appropriate, activate contingent medical support provisions, or move to modify the order to comply with the child support guidelines.

(7) When an employer notifies the administrator that the amount to be withheld for the health care coverage premium is greater than permissible under ORS 25.331:

(a) An obligee who is a recipient of TANF cash assistance may not elect to receive health care coverage over monetary child support. In these cases, the administrator will select monetary child support over health care coverage unless health care coverage would be in the best interests of the child.

(b)(A) Except as provided in section (7)(b)(B), an obligee, who is not a recipient of TANF cash

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assistance and who selects health care coverage over monetary child support, may change the selection:

(i) No more than once per year;

(ii) In conjunction with a medical support notice being issued to a new employer; or

(iii) When a child becomes seriously ill and health care coverage is needed.

(B) An obligee who is not a recipient of TANF cash assistance may not select health care coverage over monetary child support if such a selection conflicts with the requirements of any bankruptcy plan.

(8) A request to select health care coverage over monetary child support may be made verbally or in writing.

(9) When multiple cases for an obligor are being enforced and the employer receives notice that one or more cases have selected health care coverage over monetary child support, the employer must withhold in the following manner:

(a) First withhold the full amount listed on withholdings issued on the cases that have not selected health care coverage over monetary child support;

(b) Withhold the premium for health care coverage, up to the maximum allowed by law;

(c) If the maximum is not reached, withhold support for the case(s) requesting health care coverage, up to the full amount of the withholding order or the maximum allowed by law, whichever is less;

(d) Identify which payment goes with which case and submit the monetary support payments to the Division of Child Support as directed in the withholding orders.

(10) A providing party may select a different health benefit plan during any applicable open enrollment period, providing the health benefit plan provides appropriate health care coverage, or other coverage if the order so requires.

(11) If the providing party changes to a health benefit plan that does not meet the criteria in section (10) of this rule, the administrator will issue a medical support notice as provided in section (1) of this rule and may pursue modification of the support order for an amount towards cash medical support pursuant to OAR 137-050-0750, or activate contingent provisions, if any, as provided in section 12 of this rule.

(12) When an order provides for an obligor to pay cash medical support if the obligor is not providing private health care coverage, the following provisions apply:

(a) When the obligor stops providing private health care coverage, the administrator will notify the parties that coverage has stopped and that cash medical support provisions in the order, if any, will begin the month following the month in which the coverage stopped.

(b) When the obligor begins providing health care coverage, after notice from a party or other source, the administrator will notify the parties that coverage is now provided and that cash

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medical support will stop effective the month after the child is enrolled or the administrator receives notice, whichever is later.

(c) At the obligor's option, the obligor may exceed the "reasonable in cost" cap in order to provide health insurance that is otherwise appropriate. If obligor does so, cash medical support will stop.

Stat. Auth.: ORS 25.080, 25.321, 25.325, 25.342, 180.345
Stats. Implemented: ORS 25.080, 25.321 – 25.341
Effective Date: July 1, 2013

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Updated Obligation Scale B - Table 1

Based on Expenditures Data Collected in 1998-2004, Updated to 2006 Price, Tax Rates and Poverty Levels

Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
0 - 1000	50	50	50	50	50	50	50	50	50	50
1001 - 1050	65	66	66	67	68	68	69	70	71	71
1051 - 1100	98	99	100	101	103	104	105	106	107	108
1101 - 1150	132	133	135	136	137	139	140	142	143	145
1151 - 1200	165	167	169	171	172	174	176	178	180	182
1201 - 1250	198	201	203	205	207	209	212	214	216	218
1251 - 1300	232	234	237	240	242	245	247	250	252	255
1301 - 1350	265	268	271	274	277	280	283	286	289	292
1351 - 1400	290	301	305	308	311	315	318	321	324	328
1401 - 1450	298	333	337	340	344	348	351	355	359	362
1451 - 1500	307	365	369	373	377	381	385	389	393	397
1501 - 1550	315	396	401	405	410	414	418	423	427	431
1551 - 1600	324	428	433	438	442	447	452	456	461	466
1601 - 1650	332	460	465	470	475	480	485	490	495	500
1651 - 1700	341	492	497	502	508	513	519	524	529	535
1701 - 1750	349	508	529	535	541	546	552	558	564	569
1751 - 1800	358	520	561	567	573	579	586	592	598	604
1801 - 1850	366	532	593	600	606	613	619	625	632	638
1851 - 1900	375	545	625	632	639	646	652	659	666	673
1901 - 1950	383	557	657	664	672	679	686	693	700	707
1951 - 2000	391	568	671	697	704	712	719	727	734	742
2001 - 2050	400	580	685	729	737	745	753	761	768	776
2051 - 2100	408	592	699	762	770	778	786	794	803	811
2101 - 2150	416	604	713	794	803	811	820	828	837	845
2151 - 2200	425	616	727	812	835	844	853	862	871	880
2201 - 2250	433	628	741	827	868	877	887	896	905	914
2251 - 2300	441	640	754	843	901	910	920	930	939	949
2301 - 2350	450	652	768	858	934	944	954	963	973	983
2351 - 2400	458	664	782	874	961	977	987	997	1008	1018
2401 - 2450	466	676	796	889	978	1010	1020	1031	1042	1052
2451 - 2500	475	688	810	905	995	1043	1054	1065	1076	1087
2501 - 2550	483	700	824	920	1012	1076	1087	1099	1110	1121

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Updated Obligation Scale B - Table 1

Based on Expenditures Data Collected in 1998-2004, Updated to 2006 Price, Tax Rates and Poverty Levels

Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
2551 - 2600	491	711	838	936	1030	**1109**	**1121**	**1132**	**1144**	**1156**
2601 - 2650	499	723	852	952	1047	1138	**1154**	**1166**	**1178**	**1190**
2651 - 2700	508	735	866	967	1064	1156	**1188**	**1200**	**1212**	**1225**
2701 - 2750	516	747	880	983	1081	1175	**1221**	**1234**	**1247**	**1259**
2751 - 2800	524	759	894	998	1098	1194	**1255**	**1268**	**1281**	**1294**
2801 - 2850	533	771	908	1014	1116	1213	**1288**	**1301**	**1315**	**1328**
2851 - 2900	541	784	923	1031	1134	1232	**1322**	**1335**	**1349**	**1363**
2901 - 2950	550	796	937	1047	1151	1252	1349	**1369**	**1383**	**1397**
2951 - 3000	558	808	951	1063	1169	1271	1370	**1402**	**1416**	**1431**
3001 - 3050	566	820	966	1078	1186	1290	1390	**1435**	**1450**	**1465**
3051 - 3100	575	832	980	1094	1204	1309	1411	**1468**	**1483**	**1498**
3101 - 3150	583	844	994	1110	1221	1328	1431	**1501**	**1517**	**1532**
3151 - 3200	591	856	1008	1126	1239	1347	1452	**1534**	**1550**	**1566**
3201 - 3250	599	868	1022	1142	1256	1365	1471	**1566**	**1583**	**1599**
3251 - 3300	606	878	1034	1155	1271	1381	1489	1593	**1611**	**1628**
3301 - 3350	613	888	1046	1169	1286	1397	1506	1612	**1640**	**1656**
3351 - 3400	620	898	1058	1182	1300	1414	1524	1631	**1668**	**1685**
3401 - 3450	627	909	1071	1196	1315	1430	1541	1649	**1697**	**1714**
3451 - 3500	634	919	1083	1209	1330	1446	1559	1668	**1725**	**1743**
3501 - 3550	642	929	1095	1223	1345	1462	1576	1687	**1754**	**1772**
3551 - 3600	649	939	1107	1237	1360	1479	1594	1705	**1783**	**1801**
3601 - 3650	656	950	1119	1250	1375	1495	1611	1724	**1811**	**1830**
3651 - 3700	663	960	1131	1264	1390	1511	1629	1743	1855	**1859**
3701 - 3750	670	970	1144	1277	1405	1527	1646	1762	1874	**1887**
3751 - 3800	677	980	1156	1291	1420	1544	1664	1780	1894	**1916**
3801 - 3850	683	988	1165	1301	1431	1556	1677	1794	1909	**1945**
3851 - 3900	688	996	1173	1310	1441	1567	1689	1807	1923	**1974**
3901 - 3950	694	1003	1181	1319	1451	1578	1701	1820	1936	**2003**
3951 - 4000	699	1011	1189	1329	1461	1588	1712	1832	1950	**2032**
4001 - 4050	704	1018	1198	1338	1471	1599	1724	1845	1963	**2061**
4051 - 4100	710	1026	1206	1347	1482	1610	1736	1858	1977	**2090**
4101 - 4150	715	1033	1214	1356	1492	1621	1748	1870	1990	2105

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Updated Obligation Scale B - Table 1

Based on Expenditures Data Collected in 1998-2004, Updated to 2006 Price, Tax Rates and Poverty Levels

Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
4151 - 4200	721	1040	1222	1365	1502	1632	1760	1883	2004	2120
4201 - 4250	726	1048	1231	1374	1512	1643	1772	1896	2017	2134
4251 - 4300	732	1055	1239	1384	1522	1654	1784	1908	2030	2148
4301 - 4350	737	1063	1247	1393	1532	1665	1795	1921	2044	2163
4351 - 4400	742	1070	1255	1402	1542	1676	1807	1934	2057	2177
4401 - 4450	748	1078	1263	1411	1552	1687	1819	1946	2071	2191
4451 - 4500	753	1085	1272	1420	1563	1698	1831	1959	2084	2205
4501 - 4550	758	1092	1279	1429	1572	1709	1842	1971	2097	2219
4551 - 4600	761	1097	1285	1436	1579	1717	1850	1980	2107	2229
4601 - 4650	765	1102	1291	1442	1586	1724	1859	1989	2116	2239
4651 - 4700	768	1107	1297	1449	1594	1732	1868	1998	2126	2249
4701 - 4750	771	1111	1303	1455	1601	1740	1876	2007	2136	2260
4751 - 4800	775	1116	1309	1462	1608	1748	1885	2017	2146	2270
4801 - 4850	778	1121	1315	1469	1616	1756	1893	2026	2155	2280
4851 - 4900	781	1126	1321	1475	1623	1764	1902	2035	2165	2291
4901 - 4950	784	1131	1327	1482	1630	1772	1910	2044	2175	2301
4951 - 5000	788	1136	1333	1489	1637	1780	1919	2053	2184	2311
5001 - 5050	791	1141	1339	1495	1645	1788	1927	2062	2194	2321
5051 - 5100	794	1146	1345	1502	1652	1796	1936	2071	2204	2332
5101 - 5150	798	1151	1350	1509	1659	1804	1944	2081	2214	2342
5151 - 5200	801	1156	1356	1515	1667	1812	1953	2090	2223	2352
5201 - 5250	804	1161	1362	1522	1674	1820	1961	2099	2233	2363
5251 - 5300	808	1165	1368	1528	1681	1827	1970	2108	2242	2373
5301 - 5350	811	1170	1374	1534	1688	1835	1978	2116	2252	2382
5351 - 5400	815	1175	1379	1541	1695	1842	1986	2125	2261	2392
5401 - 5450	819	1180	1385	1547	1702	1850	1994	2133	2270	2402
5451 - 5500	822	1185	1390	1553	1708	1857	2002	2142	2279	2411
5501 - 5550	826	1190	1396	1559	1715	1865	2010	2151	2288	2421
5551 - 5600	829	1195	1402	1566	1722	1872	2018	2159	2298	2431
5601 - 5650	833	1200	1407	1572	1729	1880	2026	2168	2307	2441
5651 - 5700	836	1205	1413	1578	1736	1887	2034	2177	2316	2450
5701 - 5750	840	1210	1418	1584	1743	1895	2042	2185	2325	2460

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Updated Obligation Scale B - Table 1

Based on Expenditures Data Collected in 1998-2004, Updated to 2006 Price, Tax Rates and Poverty Levels

Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
5751 - 5800	844	1215	1424	1591	1750	1902	2050	2194	2334	2470
5801 - 5850	847	1220	1430	1597	1757	1909	2058	2203	2343	2479
5851 - 5900	851	1225	1435	1603	1764	1917	2066	2211	2353	2489
5901 - 5950	854	1230	1441	1609	1770	1924	2075	2220	2362	2499
5951 - 6000	858	1234	1446	1615	1777	1931	2082	2228	2370	2508
6001 - 6050	860	1237	1448	1618	1779	1934	2085	2231	2374	2512
6051 - 6100	862	1239	1451	1620	1782	1937	2089	2235	2378	2516
6101 - 6150	864	1242	1453	1623	1785	1941	2092	2238	2382	2520
6151 - 6200	866	1244	1455	1626	1788	1944	2095	2242	2386	2524
6201 - 6250	868	1247	1458	1628	1791	1947	2099	2246	2389	2528
6251 - 6300	870	1250	1460	1631	1794	1950	2102	2249	2393	2532
6301 - 6350	872	1252	1462	1633	1797	1953	2106	2253	2397	2536
6351 - 6400	874	1255	1465	1636	1800	1956	2109	2257	2401	2540
6401 - 6450	876	1257	1467	1639	1803	1959	2112	2260	2405	2544
6451 - 6500	878	1260	1469	1641	1806	1963	2116	2264	2409	2548
6501 - 6550	880	1262	1472	1644	1808	1966	2119	2267	2413	2552
6551 - 6600	883	1265	1474	1647	1811	1969	2122	2271	2416	2557
6601 - 6650	885	1267	1477	1649	1814	1972	2126	2275	2420	2561
6651 - 6700	887	1270	1479	1652	1817	1975	2129	2278	2424	2565
6701 - 6750	889	1273	1482	1655	1821	1979	2134	2283	2429	2570
6751 - 6800	891	1276	1486	1660	1826	1985	2140	2289	2436	2577
6801 - 6850	894	1280	1490	1664	1831	1990	2145	2296	2442	2584
6851 - 6900	896	1283	1494	1669	1836	1995	2151	2302	2449	2591
6901 - 6950	899	1287	1498	1673	1841	2001	2157	2308	2456	2598
6951 - 7000	902	1290	1502	1678	1846	2006	2163	2314	2462	2605
7001 - 7050	904	1294	1506	1682	1851	2012	2168	2320	2469	2612
7051 - 7100	907	1297	1510	1687	1856	2017	2174	2326	2475	2619
7101 - 7150	909	1301	1514	1691	1860	2022	2180	2333	2482	2626
7151 - 7200	912	1304	1518	1696	1865	2028	2186	2339	2489	2633
7201 - 7250	914	1308	1522	1700	1870	2033	2192	2345	2495	2640
7251 - 7300	917	1311	1526	1705	1875	2038	2197	2351	2502	2647
7301 - 7350	919	1315	1530	1709	1880	2044	2203	2357	2508	2654

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Updated Obligation Scale B - Table 1

Based on Expenditures Data Collected in 1998-2004, Updated to 2006 Price, Tax Rates and Poverty Levels

Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
7351 - 7400	922	1318	1534	1714	1885	2049	2209	2364	2515	2661
7401 - 7450	924	1322	1538	1718	1890	2055	2215	2370	2522	2668
7451 - 7500	927	1325	1542	1723	1895	2060	2221	2376	2528	2675
7501 - 7550	929	1329	1546	1727	1900	2065	2226	2382	2535	2682
7551 - 7600	932	1333	1550	1732	1905	2071	2232	2388	2541	2689
7601 - 7650	935	1336	1554	1736	1910	2076	2238	2395	2548	2696
7651 - 7700	937	1340	1558	1741	1915	2081	2244	2401	2554	2703
7701 - 7750	940	1343	1562	1745	1920	2087	2250	2407	2561	2710
7751 - 7800	942	1347	1566	1750	1925	2092	2255	2413	2568	2717
7801 - 7850	945	1350	1570	1754	1930	2098	2261	2419	2574	2724
7851 - 7900	948	1354	1575	1760	1936	2104	2268	2427	2582	2732
7901 - 7950	951	1359	1580	1765	1942	2111	2275	2434	2590	2740
7951 - 8000	954	1363	1585	1771	1948	2117	2282	2442	2598	2749
8001 - 8050	958	1368	1590	1776	1954	2124	2290	2450	2607	2758
8051 - 8100	961	1372	1595	1782	1960	2131	2297	2457	2615	2766
8101 - 8150	964	1377	1600	1787	1966	2137	2304	2465	2623	2775
8151 - 8200	967	1381	1605	1793	1972	2144	2311	2473	2631	2784
8201 - 8250	971	1386	1610	1799	1978	2150	2318	2481	2639	2792
8251 - 8300	974	1390	1615	1804	1984	2157	2325	2488	2647	2801
8301 - 8350	977	1395	1620	1810	1991	2164	2333	2496	2656	2810
8351 - 8400	981	1399	1625	1815	1997	2170	2340	2504	2664	2818
8401 - 8450	984	1404	1630	1821	2003	2177	2347	2511	2672	2827
8451 - 8500	987	1408	1635	1826	2009	2184	2354	2519	2680	2836
8501 - 8550	990	1413	1640	1832	2015	2190	2361	2527	2688	2844
8551 - 8600	994	1417	1645	1837	2021	2197	2368	2534	2696	2853
8601 - 8650	997	1422	1650	1843	2027	2204	2376	2542	2705	2861
8651 - 8700	1000	1426	1655	1849	2033	2210	2383	2550	2713	2870
8701 - 8750	1004	1431	1660	1854	2040	2217	2390	2557	2721	2879
8751 - 8800	1007	1435	1665	1860	2046	2224	2397	2565	2729	2887
8801 - 8850	1010	1440	1670	1865	2052	2230	2404	2573	2737	2896
8851 - 8900	1013	1444	1675	1871	2058	2237	2412	2580	2745	2905
8901 - 8950	1016	1449	1680	1877	2064	2244	2419	2588	2754	2914

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
8951 - 9000	1020	1453	1685	1882	2071	2251	2426	2596	2762	2923
9001 - 9050	1023	1458	1691	1888	2077	2258	2434	2604	2771	2932
9051 - 9100	1026	1462	1696	1894	2084	2265	2441	2612	2780	2941
9101 - 9150	1029	1466	1701	1900	2090	2272	2449	2620	2788	2950
9151 - 9200	1032	1471	1706	1906	2096	2279	2456	2628	2797	2959
9201 - 9250	1035	1475	1711	1912	2103	2286	2464	2636	2805	2968
9251 - 9300	1038	1480	1717	1917	2109	2293	2471	2644	2814	2977
9301 - 9350	1042	1484	1722	1923	2115	2300	2479	2652	2822	2986
9351 - 9400	1045	1489	1727	1929	2122	2306	2486	2660	2831	2995
9401 - 9450	1048	1493	1732	1935	2128	2313	2494	2668	2839	3004
9451 - 9500	1051	1498	1737	1941	2135	2320	2501	2676	2848	3013
9501 - 9550	1054	1502	1743	1946	2141	2327	2509	2684	2856	3022
9551 - 9600	1057	1507	1748	1952	2147	2334	2516	2693	2865	3031
9601 - 9650	1060	1511	1753	1958	2154	2341	2524	2701	2873	3040
9651 - 9700	1064	1516	1758	1964	2160	2348	2531	2709	2882	3049
9701 - 9750	1067	1520	1763	1970	2167	2355	2539	2717	2890	3058
9751 - 9800	1070	1525	1769	1975	2173	2362	2546	2725	2899	3067
9801 - 9850	1073	1529	1774	1981	2179	2369	2554	2733	2907	3076
9851 - 9900	1076	1533	1779	1987	2186	2376	2561	2741	2916	3085
9901 - 9950	1079	1538	1784	1993	2192	2383	2569	2748	2924	3094
9951 - 10000	1082	1542	1789	1998	2198	2389	2576	2756	2932	3102
10001 - 10050	1085	1546	1794	2003	2204	2396	2582	2763	2940	3111
10051 - 10100	1089	1551	1798	2009	2210	2402	2589	2771	2948	3119
10101 - 10150	1092	1555	1803	2014	2216	2408	2596	2778	2956	3127
10151 - 10200	1095	1559	1808	2019	2221	2415	2603	2785	2964	3135
10201 - 10250	1098	1563	1813	2025	2227	2421	2610	2793	2971	3144
10251 - 10300	1101	1568	1818	2030	2233	2427	2617	2800	2979	3152
10301 - 10350	1104	1572	1822	2035	2239	2434	2624	2807	2987	3160
10351 - 10400	1107	1576	1827	2041	2245	2440	2631	2815	2995	3169
10401 - 10450	1110	1581	1832	2046	2251	2447	2637	2822	3003	3177
10451 - 10500	1113	1585	1837	2052	2257	2453	2644	2829	3011	3185
10501 - 10550	1116	1589	1841	2057	2263	2459	2651	2837	3018	3193

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
10551 - 10600	1119	1593	1846	2062	2268	2466	2658	2844	3026	3202
10601 - 10650	1123	1598	1851	2068	2274	2472	2665	2851	3034	3210
10651 - 10700	1126	1602	1856	2073	2280	2479	2672	2859	3042	3218
10701 - 10750	1129	1606	1861	2078	2286	2485	2679	2866	3050	3227
10751 - 10800	1132	1610	1865	2084	2292	2491	2686	2874	3057	3235
10801 - 10850	1135	1615	1870	2089	2298	2498	2692	2881	3065	3243
10851 - 10900	1138	1619	1875	2094	2304	2504	2699	2888	3073	3251
10901 - 10950	1141	1623	1880	2100	2309	2510	2706	2896	3081	3260
10951 - 11000	1144	1627	1884	2105	2315	2517	2713	2903	3089	3268
11001 - 11050	1147	1632	1889	2110	2321	2523	2720	2910	3097	3276
11051 - 11100	1150	1636	1894	2116	2327	2530	2727	2918	3104	3285
11101 - 11150	1154	1640	1899	2121	2333	2536	2734	2925	3112	3293
11151 - 11200	1157	1644	1903	2126	2339	2542	2741	2932	3120	3301
11201 - 11250	1160	1649	1908	2132	2345	2549	2747	2940	3128	3309
11251 - 11300	1163	1653	1913	2137	2351	2555	2754	2947	3136	3318
11301 - 11350	1166	1657	1918	2143	2357	2562	2762	2955	3144	3327
11351 - 11400	1169	1662	1924	2149	2364	2569	2770	2963	3153	3336
11401 - 11450	1172	1667	1929	2155	2370	2576	2777	2972	3162	3345
11451 - 11500	1175	1671	1934	2161	2377	2584	2785	2980	3171	3355
11501 - 11550	1178	1676	1940	2167	2383	2591	2793	2988	3180	3364
11551 - 11600	1182	1680	1945	2173	2390	2598	2801	2997	3188	3373
11601 - 11650	1185	1685	1951	2179	2397	2605	2808	3005	3197	3383
11651 - 11700	1188	1689	1956	2185	2403	2612	2816	3013	3206	3392
11701 - 11750	1191	1694	1961	2191	2410	2620	2824	3022	3215	3401
11751 - 11800	1194	1698	1967	2197	2417	2627	2832	3030	3224	3411
11801 - 11850	1197	1703	1972	2203	2423	2634	2839	3038	3233	3420
11851 - 11900	1200	1707	1978	2209	2430	2641	2847	3047	3241	3429
11901 - 11950	1203	1712	1983	2215	2436	2648	2855	3055	3250	3439
11951 - 12000	1207	1717	1988	2221	2443	2656	2863	3063	3259	3448
12001 - 12050	1210	1721	1994	2227	2450	2663	2870	3071	3268	3458
12051 - 12100	1213	1726	1999	2233	2456	2670	2878	3080	3277	3467
12101 - 12150	1216	1730	2004	2239	2463	2677	2886	3088	3286	3476

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
12151 - 12200	1219	1735	2010	2245	2470	2684	2894	3096	3295	3486
12201 - 12250	1222	1739	2015	2251	2476	2692	2902	3105	3303	3495
12251 - 12300	1225	1744	2021	2257	2483	2699	2909	3113	3312	3504
12301 - 12350	1229	1748	2026	2263	2489	2706	2917	3121	3321	3514
12351 - 12400	1232	1753	2031	2269	2496	2713	2925	3130	3330	3523
12401 - 12450	1235	1757	2037	2275	2503	2720	2933	3138	3339	3532
12451 - 12500	1238	1762	2042	2281	2509	2728	2940	3146	3348	3542
12501 - 12550	1241	1767	2048	2287	2516	2735	2948	3154	3356	3551
12551 - 12600	1244	1771	2053	2293	2523	2742	2956	3163	3365	3560
12601 - 12650	1247	1776	2058	2299	2529	2749	2964	3171	3374	3570
12651 - 12700	1250	1780	2064	2305	2535	2756	2971	3179	3382	3579
12701 - 12750	1252	1782	2066	2308	2538	2759	2975	3183	3386	3583
12751 - 12800	1253	1784	2068	2310	2542	2763	2978	3187	3391	3587
12801 - 12850	1255	1787	2071	2313	2545	2766	2982	3190	3395	3591
12851 - 12900	1257	1789	2073	2316	2548	2769	2985	3194	3399	3596
12901 - 12950	1258	1791	2076	2319	2551	2773	2989	3198	3403	3600
12951 - 13000	1260	1793	2078	2322	2554	2776	2992	3202	3407	3604
13001 - 13050	1261	1796	2081	2324	2557	2779	2996	3206	3411	3609
13051 - 13100	1263	1798	2083	2327	2560	2782	3000	3209	3415	3613
13101 - 13150	1265	1800	2086	2330	2563	2786	3003	3213	3419	3617
13151 - 13200	1266	1802	2088	2333	2566	2789	3007	3217	3423	3622
13201 - 13250	1268	1804	2091	2335	2569	2792	3010	3221	3427	3626
13251 - 13300	1269	1807	2093	2338	2572	2796	3014	3225	3431	3630
13301 - 13350	1271	1809	2096	2341	2575	2799	3017	3229	3435	3634
13351 - 13400	1273	1811	2098	2344	2578	2802	3021	3232	3439	3639
13401 - 13450	1274	1813	2101	2346	2581	2806	3024	3236	3443	3643
13451 - 13500	1276	1815	2103	2349	2584	2809	3028	3240	3447	3647
13501 - 13550	1277	1818	2106	2352	2587	2812	3032	3244	3451	3652
13551 - 13600	1279	1820	2108	2355	2590	2816	3035	3248	3456	3656
13601 - 13650	1280	1822	2110	2357	2593	2819	3038	3251	3459	3660
13651 - 13700	1282	1824	2113	2360	2596	2822	3042	3255	3463	3664
13701 - 13750	1283	1826	2115	2362	2599	2825	3045	3258	3467	3668

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
13751 - 13800	1285	1828	2117	2365	2601	2828	3048	3262	3470	3672
13801 - 13850	1286	1830	2119	2367	2604	2831	3052	3265	3474	3676
13851 - 13900	1288	1832	2122	2370	2607	2834	3055	3269	3478	3680
13901 - 13950	1289	1834	2124	2373	2610	2837	3058	3272	3482	3684
13951 - 14000	1291	1836	2126	2375	2613	2840	3061	3276	3485	3688
14001 - 14050	1292	1838	2129	2378	2615	2843	3065	3279	3489	3691
14051 - 14100	1294	1840	2131	2380	2618	2846	3068	3283	3493	3695
14101 - 14150	1296	1843	2134	2384	2622	2850	3073	3288	3498	3701
14151 - 14200	1298	1846	2138	2388	2627	2855	3078	3293	3504	3707
14201 - 14250	1301	1850	2141	2392	2631	2860	3083	3299	3510	3714
14251 - 14300	1303	1853	2145	2396	2636	2865	3088	3305	3516	3720
14301 - 14350	1305	1856	2149	2400	2640	2870	3094	3310	3522	3726
14351 - 14400	1308	1860	2152	2404	2645	2875	3099	3316	3528	3733
14401 - 14450	1310	1863	2156	2408	2649	2879	3104	3321	3534	3739
14451 - 14500	1313	1866	2160	2412	2653	2884	3109	3327	3540	3745
14501 - 14550	1315	1869	2163	2416	2658	2889	3115	3333	3546	3752
14551 - 14600	1318	1873	2167	2420	2662	2894	3120	3338	3552	3758
14601 - 14650	1320	1876	2171	2424	2667	2899	3125	3344	3558	3764
14651 - 14700	1322	1879	2174	2429	2671	2904	3130	3349	3564	3770
14701 - 14750	1325	1882	2178	2433	2676	2909	3136	3355	3570	3777
14751 - 14800	1327	1886	2181	2437	2680	2914	3141	3361	3576	3783
14801 - 14850	1330	1889	2185	2441	2685	2918	3146	3366	3582	3789
14851 - 14900	1332	1892	2189	2445	2689	2923	3151	3372	3588	3796
14901 - 14950	1335	1896	2192	2449	2694	2928	3156	3377	3594	3802
14951 - 15000	1337	1899	2196	2453	2698	2933	3162	3383	3600	3808
15001 - 15050	1339	1902	2200	2457	2703	2938	3167	3389	3606	3815
15051 - 15100	1342	1905	2203	2461	2707	2943	3172	3394	3612	3821
15101 - 15150	1344	1909	2207	2465	2712	2948	3177	3400	3617	3827
15151 - 15200	1347	1912	2211	2469	2716	2952	3183	3405	3623	3834
15201 - 15250	1349	1915	2214	2473	2721	2957	3188	3411	3629	3840
15251 - 15300	1352	1919	2218	2477	2725	2962	3193	3417	3635	3846
15301 - 15350	1354	1922	2221	2481	2730	2967	3198	3422	3641	3853

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
15351 - 15400	1356	1925	2225	2485	2734	2972	3204	3428	3647	3859
15401 - 15450	1359	1928	2229	2490	2738	2977	3209	3434	3653	3865
15451 - 15500	1361	1932	2232	2494	2743	2982	3214	3439	3659	3871
15501 - 15550	1364	1935	2236	2498	2747	2986	3219	3445	3665	3878
15551 - 15600	1366	1938	2240	2502	2752	2991	3225	3450	3671	3884
15601 - 15650	1369	1942	2243	2506	2756	2996	3230	3456	3677	3890
15651 - 15700	1371	1945	2247	2510	2761	3001	3235	3462	3683	3897
15701 - 15750	1373	1948	2251	2514	2765	3006	3240	3467	3689	3903
15751 - 15800	1376	1951	2254	2518	2770	3011	3246	3473	3695	3909
15801 - 15850	1378	1955	2258	2522	2774	3016	3251	3478	3701	3916
15851 - 15900	1381	1958	2262	2526	2779	3021	3256	3484	3707	3922
15901 - 15950	1383	1961	2265	2530	2783	3025	3261	3490	3713	3928
15951 - 16000	1386	1965	2269	2534	2788	3030	3267	3495	3719	3935
16001 - 16050	1388	1968	2273	2539	2793	3036	3273	3502	3726	3943
16051 - 16100	1391	1972	2278	2544	2799	3042	3279	3509	3734	3950
16101 - 16150	1394	1976	2282	2549	2804	3048	3286	3516	3741	3958
16151 - 16200	1396	1980	2287	2554	2810	3054	3292	3523	3748	3965
16201 - 16250	1399	1984	2291	2559	2815	3060	3299	3529	3755	3973
16251 - 16300	1402	1988	2295	2564	2820	3066	3305	3536	3763	3981
16301 - 16350	1404	1991	2300	2569	2826	3072	3311	3543	3770	3988
16351 - 16400	1407	1995	2304	2574	2831	3078	3318	3550	3777	3996
16401 - 16450	1410	1999	2309	2579	2837	3083	3324	3557	3784	4004
16451 - 16500	1412	2003	2313	2584	2842	3089	3330	3563	3792	4011
16501 - 16550	1415	2007	2318	2589	2848	3095	3337	3570	3799	4019
16551 - 16600	1418	2010	2322	2594	2853	3101	3343	3577	3806	4027
16601 - 16650	1421	2014	2326	2599	2858	3107	3349	3584	3813	4034
16651 - 16700	1423	2018	2331	2603	2864	3113	3356	3591	3820	4042
16701 - 16750	1426	2022	2335	2608	2869	3119	3362	3597	3828	4050
16751 - 16800	1429	2026	2340	2613	2875	3125	3368	3604	3835	4057
16801 - 16850	1431	2030	2344	2618	2880	3131	3375	3611	3842	4065
16851 - 16900	1434	2033	2348	2623	2885	3137	3381	3618	3849	4073
16901 - 16950	1437	2037	2353	2628	2891	3142	3388	3625	3857	4080

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
16951 - 17000	1439	2041	2357	2633	2896	3148	3394	3631	3864	4088
17001 - 17050	1442	2045	2362	2638	2902	3154	3400	3638	3871	4096
17051 - 17100	1445	2049	2366	2643	2907	3160	3407	3645	3878	4103
17101 - 17150	1447	2052	2370	2648	2913	3166	3413	3652	3886	4111
17151 - 17200	1450	2056	2375	2653	2918	3172	3419	3659	3893	4119
17201 - 17250	1453	2060	2379	2658	2923	3178	3426	3665	3900	4126
17251 - 17300	1455	2064	2384	2663	2929	3184	3432	3672	3907	4134
17301 - 17350	1458	2068	2388	2668	2934	3190	3438	3679	3915	4142
17351 - 17400	1461	2072	2393	2672	2940	3195	3445	3686	3922	4149
17401 - 17450	1463	2075	2397	2677	2945	3201	3451	3693	3929	4157
17451 - 17500	1466	2079	2401	2682	2951	3207	3457	3699	3936	4165
17501 - 17550	1469	2083	2406	2687	2956	3213	3464	3706	3943	4172
17551 - 17600	1472	2087	2410	2692	2961	3219	3470	3713	3951	4180
17601 - 17650	1474	2091	2415	2697	2967	3225	3476	3720	3958	4187
17651 - 17700	1477	2094	2419	2702	2972	3231	3483	3727	3965	4195
17701 - 17750	1480	2098	2423	2707	2978	3237	3489	3733	3972	4203
17751 - 17800	1482	2102	2428	2712	2983	3243	3496	3740	3980	4210
17801 - 17850	1485	2106	2432	2717	2989	3249	3502	3747	3987	4218
17851 - 17900	1488	2110	2437	2722	2994	3254	3508	3754	3994	4226
17901 - 17950	1490	2114	2441	2727	2999	3260	3515	3761	4001	4233
17951 - 18000	1493	2117	2446	2732	3005	3266	3521	3767	4009	4241
18001 - 18050	1496	2121	2450	2737	3010	3272	3527	3774	4016	4249
18051 - 18100	1498	2125	2454	2741	3016	3278	3534	3781	4023	4256
18101 - 18150	1501	2129	2459	2746	3021	3284	3540	3788	4030	4264
18151 - 18200	1504	2133	2463	2751	3026	3290	3546	3795	4038	4272
18201 - 18250	1506	2136	2468	2756	3032	3296	3553	3801	4045	4279
18251 - 18300	1509	2140	2472	2761	3037	3302	3559	3808	4052	4287
18301 - 18350	1512	2144	2476	2766	3043	3307	3565	3815	4059	4295
18351 - 18400	1514	2148	2481	2771	3048	3313	3572	3822	4066	4302
18401 - 18450	1517	2152	2485	2776	3054	3319	3578	3829	4074	4310
18451 - 18500	1520	2156	2490	2781	3059	3325	3585	3835	4081	4318
18501 - 18550	1523	2159	2494	2786	3064	3331	3591	3842	4088	4325

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
18551 - 18600	1525	2163	2498	2791	3070	3337	3597	3849	4095	4333
18601 - 18650	1528	2167	2503	2796	3075	3343	3604	3856	4103	4341
18651 - 18700	1531	2171	2507	2801	3081	3349	3610	3863	4110	4348
18701 - 18750	1533	2175	2512	2806	3086	3355	3616	3869	4117	4356
18751 - 18800	1536	2178	2516	2811	3092	3361	3623	3876	4124	4364
18801 - 18850	1539	2182	2521	2815	3097	3366	3629	3883	4132	4371
18851 - 18900	1541	2186	2525	2820	3102	3372	3635	3890	4139	4379
18901 - 18950	1544	2190	2529	2825	3108	3378	3642	3897	4146	4386
18951 - 19000	1547	2194	2534	2830	3113	3384	3648	3903	4153	4394
19001 - 19050	1549	2196	2537	2834	3117	3388	3652	3908	4158	4399
19051 - 19100	1551	2199	2540	2837	3121	3392	3657	3913	4163	4405
19101 - 19150	1553	2202	2543	2840	3125	3396	3661	3918	4168	4410
19151 - 19200	1555	2205	2546	2844	3128	3401	3666	3922	4173	4415
19201 - 19250	1557	2207	2549	2847	3132	3405	3670	3927	4179	4421
19251 - 19300	1559	2210	2552	2851	3136	3409	3675	3932	4184	4426
19301 - 19350	1561	2213	2555	2854	3140	3413	3679	3937	4189	4432
19351 - 19400	1563	2216	2559	2858	3144	3417	3684	3942	4194	4437
19401 - 19450	1565	2219	2562	2861	3148	3421	3688	3946	4199	4442
19451 - 19500	1567	2221	2565	2865	3151	3426	3693	3951	4204	4448
19501 - 19550	1569	2224	2568	2868	3155	3430	3697	3956	4209	4453
19551 - 19600	1571	2227	2571	2872	3159	3434	3702	3961	4214	4459
19601 - 19650	1573	2230	2574	2875	3163	3438	3706	3966	4219	4464
19651 - 19700	1575	2232	2577	2879	3167	3442	3711	3970	4225	4470
19701 - 19750	1577	2235	2580	2882	3170	3446	3715	3975	4230	4475
19751 - 19800	1579	2238	2583	2886	3174	3450	3720	3980	4235	4480
19801 - 19850	1581	2241	2587	2889	3178	3455	3724	3985	4240	4486
19851 - 19900	1583	2243	2590	2893	3182	3459	3729	3990	4245	4491
19901 - 19950	1585	2246	2593	2896	3186	3463	3733	3994	4250	4497
19951 - 20000	1587	2249	2596	2900	3190	3467	3738	3999	4255	4502
20001 - 20050	1589	2252	2599	2903	3193	3471	3742	4004	4260	4507
20051 - 20100	1591	2255	2602	2907	3197	3475	3747	4009	4265	4513
20101 - 20150	1593	2257	2605	2910	3201	3480	3751	4014	4270	4518

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
20151 - 20200	1595	2260	2608	2914	3205	3484	3756	4018	4276	4524
20201 - 20250	1597	2263	2612	2917	3209	3488	3760	4023	4281	4529
20251 - 20300	1599	2266	2615	2921	3213	3492	3765	4028	4286	4534
20301 - 20350	1601	2268	2618	2924	3216	3496	3769	4033	4291	4540
20351 - 20400	1603	2271	2621	2928	3220	3500	3773	4038	4296	4545
20401 - 20450	1605	2274	2624	2931	3224	3505	3778	4042	4301	4551
20451 - 20500	1607	2277	2627	2934	3228	3509	3782	4047	4306	4556
20501 - 20550	1609	2280	2630	2938	3232	3513	3787	4052	4311	4561
20551 - 20600	1611	2282	2633	2941	3236	3517	3791	4057	4316	4567
20601 - 20650	1613	2285	2636	2945	3239	3521	3796	4062	4322	4572
20651 - 20700	1615	2288	2640	2948	3243	3525	3800	4066	4327	4578
20701 - 20750	1617	2291	2643	2952	3247	3530	3805	4071	4332	4583
20751 - 20800	1619	2293	2646	2955	3251	3534	3809	4076	4337	4588
20801 - 20850	1621	2296	2649	2959	3255	3538	3814	4081	4342	4594
20851 - 20900	1623	2299	2652	2962	3259	3542	3818	4086	4347	4599
20901 - 20950	1625	2302	2655	2966	3262	3546	3823	4090	4352	4605
20951 - 21000	1627	2305	2658	2969	3266	3550	3827	4095	4357	4610
21001 - 21050	1629	2307	2661	2973	3270	3555	3832	4100	4362	4615
21051 - 21100	1631	2310	2665	2976	3274	3559	3836	4105	4368	4621
21101 - 21150	1633	2313	2668	2980	3278	3563	3841	4110	4373	4626
21151 - 21200	1635	2316	2671	2983	3282	3567	3845	4114	4378	4632
21201 - 21250	1637	2318	2674	2987	3285	3571	3850	4119	4383	4637
21251 - 21300	1639	2321	2677	2990	3289	3575	3854	4124	4388	4643
21301 - 21350	1641	2324	2680	2994	3293	3580	3859	4129	4393	4648
21351 - 21400	1643	2327	2683	2997	3297	3584	3863	4134	4398	4653
21401 - 21450	1645	2329	2686	3001	3301	3588	3868	4138	4403	4659
21451 - 21500	1647	2332	2689	3004	3305	3592	3872	4143	4408	4664
21501 - 21550	1649	2335	2693	3008	3308	3596	3877	4148	4414	4670
21551 - 21600	1651	2338	2696	3011	3312	3600	3881	4153	4419	4675
21601 - 21650	1653	2341	2699	3015	3316	3605	3886	4158	4424	4680
21651 - 21700	1655	2343	2702	3018	3320	3609	3890	4162	4429	4686
21701 - 21750	1657	2346	2705	3022	3324	3613	3895	4167	4434	4691

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
21751 - 21800	1659	2349	2708	3025	3328	3617	3899	4172	4439	4697
21801 - 21850	1661	2352	2711	3029	3331	3621	3904	4177	4444	4702
21851 - 21900	1663	2354	2714	3032	3335	3625	3908	4182	4449	4707
21901 - 21950	1665	2357	2718	3035	3339	3630	3913	4186	4454	4713
21951 - 22000	1667	2360	2721	3039	3343	3634	3917	4191	4460	4718
22001 - 22050	1669	2363	2724	3042	3347	3638	3922	4196	4465	4724
22051 - 22100	1671	2366	2727	3046	3351	3642	3926	4201	4470	4729
22101 - 22150	1673	2368	2730	3049	3354	3646	3931	4206	4475	4734
22151 - 22200	1675	2371	2733	3053	3358	3650	3935	4210	4480	4740
22201 - 22250	1677	2374	2736	3056	3362	3654	3940	4215	4485	4745
22251 - 22300	1679	2377	2739	3060	3366	3659	3944	4220	4490	4751
22301 - 22350	1681	2379	2742	3063	3370	3663	3949	4225	4495	4756
22351 - 22400	1683	2382	2746	3067	3373	3667	3953	4230	4500	4761
22401 - 22450	1685	2385	2749	3070	3377	3671	3957	4235	4506	4767
22451 - 22500	1687	2388	2752	3074	3381	3675	3962	4239	4511	4772
22501 - 22550	1689	2390	2755	3077	3385	3679	3966	4244	4516	4778
22551 - 22600	1691	2393	2758	3081	3389	3684	3971	4249	4521	4783
22601 - 22650	1693	2396	2761	3084	3393	3688	3975	4254	4526	4788
22651 - 22700	1695	2399	2764	3088	3396	3692	3980	4259	4531	4794
22701 - 22750	1697	2402	2767	3091	3400	3696	3984	4263	4536	4799
22751 - 22800	1699	2404	2771	3095	3404	3700	3989	4268	4541	4805
22801 - 22850	1701	2407	2774	3098	3408	3704	3993	4273	4546	4810
22851 - 22900	1703	2410	2777	3102	3412	3709	3998	4278	4552	4815
22901 - 22950	1705	2413	2780	3105	3416	3713	4002	4283	4557	4821
22951 - 23000	1707	2415	2783	3109	3419	3717	4007	4287	4562	4826
23001 - 23050	1709	2418	2786	3112	3423	3721	4011	4292	4567	4832
23051 - 23100	1711	2421	2789	3116	3427	3725	4016	4297	4572	4837
23101 - 23150	1713	2424	2792	3119	3431	3729	4020	4302	4577	4843
23151 - 23200	1715	2427	2795	3123	3435	3734	4025	4307	4582	4848
23201 - 23250	1717	2429	2799	3126	3439	3738	4029	4311	4587	4853
23251 - 23300	1719	2432	2802	3129	3442	3742	4034	4316	4592	4859
23301 - 23350	1721	2435	2805	3133	3446	3746	4038	4321	4597	4864

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
23351 - 23400	1723	2438	2808	3136	3450	3750	4043	4326	4603	4870
23401 - 23450	1725	2440	2811	3140	3454	3754	4047	4331	4608	4875
23451 - 23500	1727	2443	2814	3143	3458	3759	4052	4335	4613	4880
23501 - 23550	1729	2446	2817	3147	3462	3763	4056	4340	4618	4886
23551 - 23600	1731	2449	2820	3150	3465	3767	4061	4345	4623	4891
23601 - 23650	1733	2451	2823	3154	3469	3771	4065	4350	4628	4897
23651 - 23700	1735	2454	2827	3157	3473	3775	4070	4355	4633	4902
23701 - 23750	1737	2457	2830	3161	3477	3779	4074	4359	4638	4907
23751 - 23800	1739	2460	2833	3164	3481	3784	4079	4364	4643	4913
23801 - 23850	1741	2463	2836	3168	3485	3788	4083	4369	4649	4918
23851 - 23900	1743	2465	2839	3171	3488	3792	4088	4374	4654	4924
23901 - 23950	1745	2468	2842	3175	3492	3796	4092	4379	4659	4929
23951 - 24000	1747	2471	2845	3178	3496	3800	4097	4383	4664	4934
24001 - 24050	1749	2474	2848	3182	3500	3804	4101	4388	4669	4940
24051 - 24100	1751	2476	2852	3185	3504	3809	4106	4393	4674	4945
24101 - 24150	1753	2479	2855	3189	3508	3813	4110	4398	4679	4951
24151 - 24200	1755	2482	2858	3192	3511	3817	4115	4403	4684	4956
24201 - 24250	1757	2485	2861	3196	3515	3821	4119	4407	4689	4961
24251 - 24300	1759	2488	2864	3199	3519	3825	4124	4412	4695	4967
24301 - 24350	1761	2490	2867	3203	3523	3829	4128	4417	4700	4972
24351 - 24400	1763	2493	2870	3206	3527	3833	4133	4422	4705	4978
24401 - 24450	1765	2496	2873	3210	3531	3838	4137	4427	4710	4983
24451 - 24500	1768	2499	2876	3213	3534	3842	4141	4431	4715	4988
24501 - 24550	1770	2501	2880	3217	3538	3846	4146	4436	4720	4994
24551 - 24600	1772	2504	2883	3220	3542	3850	4150	4441	4725	4999
24601 - 24650	1774	2507	2886	3223	3546	3854	4155	4446	4730	5005
24651 - 24700	1776	2510	2889	3227	3550	3858	4159	4451	4735	5010
24701 - 24750	1778	2512	2892	3230	3553	3863	4164	4455	4741	5015
24751 - 24800	1780	2515	2895	3234	3557	3867	4168	4460	4746	5021
24801 - 24850	1782	2518	2898	3237	3561	3871	4173	4465	4751	5026
24851 - 24900	1784	2521	2901	3241	3565	3875	4177	4470	4756	5032
24901 - 24950	1786	2524	2905	3244	3569	3879	4182	4475	4761	5037

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
24951 - 25000	1788	2526	2908	3248	3573	3883	4186	4479	4766	5043
25001 - 25050	1790	2529	2911	3251	3576	3888	4191	4484	4771	5048
25051 - 25100	1792	2532	2914	3255	3580	3892	4195	4489	4776	5053
25101 - 25150	1794	2535	2917	3258	3584	3896	4200	4494	4781	5059
25151 - 25200	1796	2537	2920	3262	3588	3900	4204	4499	4787	5064
25201 - 25250	1798	2540	2923	3265	3592	3904	4209	4503	4792	5070
25251 - 25300	1800	2543	2926	3269	3596	3908	4213	4508	4797	5075
25301 - 25350	1802	2546	2929	3272	3599	3913	4218	4513	4802	5080
25351 - 25400	1804	2549	2933	3276	3603	3917	4222	4518	4807	5086
25401 - 25450	1806	2551	2936	3279	3607	3921	4227	4523	4812	5091
25451 - 25500	1808	2554	2939	3283	3611	3925	4231	4527	4817	5097
25501 - 25550	1810	2557	2942	3286	3615	3929	4236	4532	4822	5102
25551 - 25600	1812	2560	2945	3290	3619	3933	4240	4537	4827	5107
25601 - 25650	1814	2562	2948	3293	3622	3938	4245	4542	4833	5113
25651 - 25700	1816	2565	2951	3297	3626	3942	4249	4547	4838	5118
25701 - 25750	1818	2568	2954	3300	3630	3946	4254	4551	4843	5124
25751 - 25800	1820	2571	2958	3304	3634	3950	4258	4556	4848	5129
25801 - 25850	1822	2574	2961	3307	3638	3954	4263	4561	4853	5134
25851 - 25900	1824	2576	2964	3311	3642	3958	4267	4566	4858	5140
25901 - 25950	1826	2579	2967	3314	3645	3963	4272	4571	4863	5145
25951 - 26000	1828	2582	2970	3317	3649	3967	4276	4575	4868	5151
26001 - 26050	1830	2585	2973	3321	3653	3971	4281	4580	4873	5156
26051 - 26100	1832	2587	2976	3324	3657	3975	4285	4585	4878	5161
26101 - 26150	1834	2590	2979	3328	3661	3979	4290	4590	4884	5167
26151 - 26200	1836	2593	2982	3331	3665	3983	4294	4595	4889	5172
26201 - 26250	1838	2596	2986	3335	3668	3988	4299	4599	4894	5178
26251 - 26300	1840	2598	2989	3338	3672	3992	4303	4604	4899	5183
26301 - 26350	1842	2601	2992	3342	3676	3996	4308	4609	4904	5188
26351 - 26400	1844	2604	2995	3345	3680	4000	4312	4614	4909	5194
26401 - 26450	1846	2607	2998	3349	3684	4004	4317	4619	4914	5199
26451 - 26500	1848	2610	3001	3352	3688	4008	4321	4623	4919	5205
26501 - 26550	1850	2612	3004	3356	3691	4013	4325	4628	4924	5210

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
26551 - 26600	1852	2615	3007	3359	3695	4017	4330	4633	4930	5216
26601 - 26650	1854	2618	3011	3363	3699	4021	4334	4638	4935	5221
26651 - 26700	1856	2621	3014	3366	3703	4025	4339	4643	4940	5226
26701 - 26750	1858	2623	3017	3370	3707	4029	4343	4647	4945	5232
26751 - 26800	1860	2626	3020	3373	3711	4033	4348	4652	4950	5237
26801 - 26850	1862	2629	3023	3377	3714	4037	4352	4657	4955	5243
26851 - 26900	1864	2632	3026	3380	3718	4042	4357	4662	4960	5248
26901 - 26950	1866	2635	3029	3384	3722	4046	4361	4667	4965	5253
26951 - 27000	1868	2637	3032	3387	3726	4050	4366	4671	4970	5259
27001 - 27050	1870	2640	3035	3391	3730	4054	4370	4676	4976	5264
27051 - 27100	1872	2643	3039	3394	3733	4058	4375	4681	4981	5270
27101 - 27150	1874	2646	3042	3398	3737	4062	4379	4686	4986	5275
27151 - 27200	1876	2648	3045	3401	3741	4067	4384	4691	4991	5280
27201 - 27250	1878	2651	3048	3405	3745	4071	4388	4696	4996	5286
27251 - 27300	1880	2654	3051	3408	3749	4075	4393	4700	5001	5291
27301 - 27350	1882	2657	3054	3411	3753	4079	4397	4705	5006	5297
27351 - 27400	1884	2659	3057	3415	3756	4083	4402	4710	5011	5302
27401 - 27450	1886	2662	3060	3418	3760	4087	4406	4715	5016	5307
27451 - 27500	1888	2665	3064	3422	3764	4092	4411	4720	5022	5313
27501 - 27550	1890	2668	3067	3425	3768	4096	4415	4724	5027	5318
27551 - 27600	1892	2671	3070	3429	3772	4100	4420	4729	5032	5324
27601 - 27650	1894	2673	3073	3432	3776	4104	4424	4734	5037	5329
27651 - 27700	1896	2676	3076	3436	3779	4108	4429	4739	5042	5334
27701 - 27750	1898	2679	3079	3439	3783	4112	4433	4744	5047	5340
27751 - 27800	1900	2682	3082	3443	3787	4117	4438	4748	5052	5345
27801 - 27850	1902	2684	3085	3446	3791	4121	4442	4753	5057	5351
27851 - 27900	1904	2687	3088	3450	3795	4125	4447	4758	5062	5356
27901 - 27950	1906	2690	3092	3453	3799	4129	4451	4763	5068	5361
27951 - 28000	1908	2693	3095	3457	3802	4133	4456	4768	5073	5367
28001 - 28050	1910	2696	3098	3460	3806	4137	4460	4772	5078	5372
28051 - 28100	1912	2698	3101	3464	3810	4142	4465	4777	5083	5378
28101 - 28150	1914	2701	3104	3467	3814	4146	4469	4782	5088	5383

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Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
28151 - 28200	1916	2704	3107	3471	3818	4150	4474	4787	5093	5388
28201 - 28250	1918	2707	3110	3474	3822	4154	4478	4792	5098	5394
28251 - 28300	1920	2709	3113	3478	3825	4158	4483	4796	5103	5399
28301 - 28350	1922	2712	3116	3481	3829	4162	4487	4801	5108	5405
28351 - 28400	1924	2715	3120	3485	3833	4167	4492	4806	5114	5410
28401 - 28450	1926	2718	3123	3488	3837	4171	4496	4811	5119	5416
28451 - 28500	1928	2720	3126	3492	3841	4175	4501	4816	5124	5421
28501 - 28550	1930	2723	3129	3495	3845	4179	4505	4820	5129	5426
28551 - 28600	1932	2726	3132	3499	3848	4183	4509	4825	5134	5432
28601 - 28650	1934	2729	3135	3502	3852	4187	4514	4830	5139	5437
28651 - 28700	1936	2732	3138	3506	3856	4192	4518	4835	5144	5443
28701 - 28750	1938	2734	3141	3509	3860	4196	4523	4840	5149	5448
28751 - 28800	1940	2737	3144	3512	3864	4200	4527	4844	5154	5453
28801 - 28850	1942	2740	3147	3516	3867	4204	4532	4849	5159	5458
28851 - 28900	1944	2742	3150	3519	3871	4208	4536	4853	5164	5464
28901 - 28950	1946	2745	3153	3522	3875	4212	4540	4858	5169	5469
28951 - 29000	1948	2748	3156	3526	3878	4216	4545	4863	5174	5474
29001 - 29050	1950	2750	3159	3529	3882	4220	4549	4867	5179	5479
29051 - 29100	1952	2753	3162	3532	3886	4224	4553	4872	5184	5484
29101 - 29150	1954	2756	3165	3536	3889	4228	4558	4877	5189	5490
29151 - 29200	1956	2758	3168	3539	3893	4232	4562	4881	5194	5495
29201 - 29250	1958	2761	3172	3543	3897	4236	4566	4886	5199	5500
29251 - 29300	1960	2764	3175	3546	3901	4240	4571	4891	5204	5505
29301 - 29350	1961	2766	3178	3549	3904	4244	4575	4895	5208	5511
29351 - 29400	1963	2769	3181	3553	3908	4248	4579	4900	5213	5516
29401 - 29450	1965	2772	3184	3556	3912	4252	4584	4904	5218	5521
29451 - 29500	1967	2774	3187	3559	3915	4256	4588	4909	5223	5526
29501 - 29550	1969	2777	3190	3563	3919	4260	4592	4914	5228	5531
29551 - 29600	1971	2780	3193	3566	3923	4264	4597	4918	5233	5537
29601 - 29650	1973	2783	3196	3569	3926	4268	4601	4923	5238	5542
29651 - 29700	1975	2785	3199	3573	3930	4272	4605	4928	5243	5547
29701 - 29750	1977	2788	3202	3576	3934	4276	4610	4932	5248	5552

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Updated Obligation Scale B - Table 1

Based on Expenditures Data Collected in 1998-2004, Updated to 2006 Price, Tax Rates and Poverty Levels

Shaded Area: Adjusted for Self Support Reserve

Parents' Combined Gross Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children	Seven Children	Eight Children	Nine Children	Ten Children
29751 - 29800	1979	2791	3205	3580	3937	4280	4614	4937	5253	5557
29801 - 29850	1981	2793	3208	3583	3941	4284	4618	4941	5258	5563
29851 - 29900	1983	2796	3211	3586	3945	4288	4623	4946	5263	5568
29901 - 29950	1985	2799	3214	3590	3949	4292	4627	4951	5268	5573
29951 - 30000	1987	2801	3217	3593	3952	4296	4631	4955	5273	5578

ARREARS
Temporary Support Arrearages. A trial court may not adjust temporary support arrears either directly (satisfying arrears) or indirectly (awarding equalizing judgment). Binnell, 153 Or App 204 (1998).

CHILD ATTENDING SCHOOL.
Constitutionality. The legislature may provide for support of an adult child of unmarried parents without violating equal protection. Crocker, 332 Or 42 (2001).

Old Caselaw. Norton v. McDonald., 194 Or App 174 (2004) Parent can establish paternity even after age 18 and seek child support under ORS 107.108.

CREDIT FOR ARREARS.
Discretion. When a child moves to the noncustodian, the Court has discretion to forgive arrears from that time forward. Obligor persistently failed to pay support. He owed support for other children who resided with obligee. No forgiveness. Crook, 199 Or App 260, 267 (2005).

DE NOVO REVIEW
Time frame for filing: The 60-day limitation period to file for a de novo review begins to run from the date the order is entered in the trial court's register. In re Marriage of Wessels, 214 Or App 545 (2007)

DEVIATION FROM GUIDELINES
Calculation. In order to deviate, the trial court must first calculate what the guideline amount should be. Cain & Gilbert, 196 Or App 28 (2005), Thanhauser, 198 Or App 472, 476 (2005).

Credibility. Credibility of a party is not a basis for a deviation although it may help determine a party's income. Cain & Gilbert, 196 Or App 28 (2005).

Departure. The trial court found that obligee was forced to live as a camper, and found her income to full time minimum wage, less than her actual wages. Upward departure may have been authorized by guidelines, but not this way. There must be a specific finding of reasons for the departure. St. Sauvier 196 Or App 175 (2004).

Departure: The trial court must adequately explain how it arrives at a support amount that deviates from the guideline amount. In re Marriage of South, 222 Or App 403 (2008).

Findings. Court must make written or specific findings on the record for basis for deviation. Berry, 196 Or App 296 (2005).

Lack of Prior Order. The lack of a prior enforceable support order is not a basis for deviating from the presumed child support amount. Cain & Gilbert, 916 Or App 28

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(2005).

Payment to Noncustodian. There is no public policy that a non-custodian should not receive child support under the guidelines. It is not a rebuttal factor. Cain & Gilbert, 916 Or App (2005).

Private Schooling. The cost of private school may be a basis for deviation. Thanhauser, 198 Or App 472, 479 (2005).

Tax Exemption. The award of a tax exemption to a non-custodial parent is a deviation factor. Cain & Gilbert, 916 Or App (2005).

Underemployment. Underemployment is not a basis for deviation. Finding a party's proper income is a part of the guidelines. Cain & Gilbert, 916 Or App 28 (2005).

Unrealized Income. Income which could potentially be earned from re-aligning investments may be a basis for deviation. Thanhauser, 198 Or App 472, 478 (2005).

Valuing Deviation. The deviation must be assigned a dollar value and be a part of the support calculation. Berry, 196 Or App 296 (2005).

EXEMPTIONS.
Dependency Exemption. The custodian is presumed to receive tax dependency exemptions. Deviation requires findings in writing after considering tax consequences. Willey, 155 Or App 352 (1998).

HEALTH INSURANCE
Payment of Premiums. An obligor is not responsible for reimbursing the obligee for health insurance premiums which have not been incurred. Jensen 187 Or App 196 (2003).

INABILITY TO PAY PRESUMPTION
ORS 25.245(1) which (disputably) presumes that a parent receiving cash assistance is unable to pay support, is to be strictly construed. Cash payments must be under one of four programs: (1) Title IV-A of the Social Security Act, (2) General Assistance Program, (3) Oregon Supplemental Security Income Program, or (4) Supplemental Security Income Program. Amiotte v. Woods, 179 Or App 179 (2002).

INCOME DETERMINATION

Adoption Assistance. There is a rebuttable presumption that adoption assistance payments are not income for purposes of calculating child support. Timm, 200 Or App 621 (2005).

Income, Potential. The Court is to calculate the income of a less than full time employee by using potential income of at least full time minimum wage. If the party rebuts the full time presumption, the Court may use actual income. Wilson, 152 Or App

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454 (1998).

Income, Presumption. A parent is presumed to be able to work full-time; the Court must find on the record any rebuttal of that presumption. Dotson, 177 Or App 450 (2001).

Income, Presumption. Mother did not persuade the Court that her children's special educational needs require that she stay at home rather than work. Thanhauser, 198 Or App 472, 477 (2005).

Income from Assets. The court cannot infer income from assets which potentially could be altered to obtain higher yields, but it may deviate. Thanhauser, 198 Or App 472, 477 (2005)

Spousal Support. Spousal support is income to the obligee. Timm, 200 Or App 621 (2005).

Income from Retirement Contributions: The obligor's income includes voluntary contributions to the obligor's retirement plan. In re Marriage of Gillis, 234 Or App 50 (2008).

Income from Military: BAH (Basic Allowance for Housing) & BAS (Basic Allowance for Subsistence) are included in income. In re Marriage Stokes, A136795 (March 31, 2010)

JUDGMENT
Separate from Spousal Support. A child support award in a general judgment must be separately stated from spousal support. Combined awards are unacceptable. Garza, 201 Or App 318 (2005).

JURISDICTION
Interstate: Parties may waive jurisdiction for modifiable portions of another states order, but waiver does not allow modification of nonmodifiable provisions. In re Marriage of Daly, 228 Or Ap 134 (2009).

MODIFICATION
Agreement not to Modify. Agreements that purport to deprive a court of authority to modify an award of support may not be enforced. McDonnal, 293 Or. 772 (1982); Watson, 149 Or. App. 598 (1997).

Automatic Modification. The Court may not do an automatic future child support increase to account for a scheduled stepdown in a spousal support award. Shlitter, 188 OrApp 277 (2003).

Change of Circumstances. A retirement, even though anticipated, may constitute a change of circumstances if the timing of it was speculative at the time of the prior support hearing. Wilson, 186 Or App 515 (2003).

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Change of Circumstances. The Court must utilize the statutory standards to determine if there is a change of circumstances, not merely equity. Nibbler, 184 OrApp 23 (2002).

Change of Circumstances. If a substantial improvement in mental health was contemplated in the original hearing setting support, failure to achieve that improvement may constitute a change of circumstances. Vandenberg, 186 Or App 592 (2003).

Change of Circumstances. Wife's inability to establish a permanent residence coupled with Husband's wrongful repo of the vehicle she needed to obtain work were unanticipated and substantial changes in circumstances. St. Sauver, 196 Or App 175, 183 (2004).

Change of Circumstances. The increase in both parties' incomes may be the requisite change in circumstances. The circumstantial change must be substantial and unanticipated. Nieth, 199 OrApp 330 (2005); *affirmed and clarified*, 200 OrApp 582 (2005).

Change of Circumstances. The moving party must affirmatively prove an unanticipated substantial change from the last order. Obligor failed to produce documentary evidence supporting his claimed change. Crook, 199 OrApp 260 (2005).

Change of Circumstances. Temporary reductions in income, and economic downturns in business, do not ordinarily constitute changed circumstances as a basis for modifying child support or spousal support obligations. Thomsen, 167 Or. App. 218 (2000).

Non-modification Agreement. An agreement to not modify support is unenforceable in the face of a substantial and unanticipated change in a party's circumstances. Upon a finding of a substantial, unanticipated change, the Court is to apply the guidelines unless rebutted. Once a change sufficient to warrant a modification of child support has been shown, the guidelines control the amount of the support award. Wart, 151 Or App 1 (1997).

Non-modification Agreement. An agreement that obligor would not seek a support modification based on additional overnights afforded to him is enforceable even when more overnights were added beyond the parties' initial contemplation. In this case, however, obligor also showed other substantial changes allowing a modification. The trial court was directed to address the issue of the application of the agreement not to consider obligor's overnights as a potential rebuttal factor in setting child support; once the Court reached the issue of setting support, it did not have to honor the agreement about parenting time. Mock & Sceva, 143 Or App 362 (1996).

Retroactivity of Order. The Court may not modify a support obligation retroactively to before the date of a modification filing even on the party's agreement. Hutchinson 187 OrApp 733 (2003). NB: Current law allows modification only as the of the date service, not filing.

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Voluntary Underemployment. A good faith voluntary change of employment which reduces the obligor's income can be the basis for a change of circumstances modification. Glithero, 326 Or 259 (1998). Cofsky, 153 Or App 84 (1998).

PARENTING TIME
Denial of Parenting Time. Obligor's denied parenting time warranted a review of his continuing obligation to pay support. A sharply divided appeals court did not terminate support on this fact bound case. Kempke, 151 Or App 434 (1997).

Shared Custody (OLD LAW). Under former OARs, a shared custody calculation was made if the obligor had 35% or more overnights. The Court had discretion to use a shared calculation if the obligor had 25% of overnights and substantial child related expenses. Clifton, 149 Or App (1997).

PARTIES.
The State may bring an action for support and is not bound by a judgment declaring a child's non-paternity because it has no privity with the parties. State ex rel Moran v. Rushman, 177 Or App 290 (2001).

PAST SUPPORT - Filiation

Laches. Obligor may assert a defense of laches against a past support obligation in a filiation case. Mother waited 18 years to establish support. Court awarded $0. Norton v. McDonald, 194 Or App 174, 180-181 (2004).

PAYMENTS
Application of Payments. The obligor may not designate the application of support payments between spousal, child and arrears after payment has been made, but may do so before or at the time of payment. The intent may be deduced from acts and circumstances. Gayer, 326 Or 436 (1998).

SHARED CUSTODY

Shared custody calculations are based on overnight visits. State ex. rel Moran v. Rushman, 177 Or. App. 290 (2001).

TEMPORARY JUDGMENT

The court may order support only prospectively if a temporary support order was not sought under ORS 107.095. Moore, 84 Or. App. 182 (1987).

UIFSA (Uniform Interstate Family Support Act)
Competing Support Orders. Under the Uniform Interstate Family Support Act, if one tribunal has continuing exclusive jurisdiction, that tribunal's orders control. If more than one tribunal has CEJ status, the tribunal in the child's current home state controls. Issuing an order, not merely registering another tribunal's order, confers status. Cohen

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v. Powers, 180 OrApp 409 (2002).

Competing Support Orders. Under the Uniform Interstate Family Support Act, when a state obtains continuing exclusive jurisdiction and the child or a party continues to reside in that state, and that state's orders will control all competing state support orders absent a written stipulation of the parties to a modification. Anderson, 189 Or App 162 (2003).

Interest. Interest may be included in a UIFSA arrearage case without notice to the obligor if the obligor had the opportunity to contest the underlying arrearage. Calvert, 191 Or App 361 (2004).

Judgment. If a UIFSA money judgment conflicts with a judgment from a CEJ state, the money judgment is without legal effect. The CEJ order controls. Calvert, 191 Or App 361 (2004).

Pre-existing Competing Orders. Under the UIFSA, if a state determines itself to be the continuing exclusive jurisdiction state, it may still enter and enforce valid support orders as to arrears accrued prior to the state assuming CEJ status.

WAGE WITHHOLDING

Multiple Employers. An obligor with multiple employers is subject to wage withholding from each employer. Morrow, 191 Or App 354 (2004).

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Sec. 11.0 Child Support – A Primer

Updated by:
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Judge Maureen McKnight, Multnomah County Circuit Court
May 2010
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Multnomah County Circuit Court; Washington County Circuit Court
May 2006

CHILD SUPPORT in OREGON – A PRIMER for JUDGES

I. Major Statutes and Rules

A. **Child support calculation formula** -- ORS 25.275.

This statute and its implementing regulations, *OAR 137.050-0700-0765*, govern all proceedings – both judicial and administrative – in which child support may be ordered. The formula and a calculator program with instructions are available online at the website for the Division of Child Support (DCS) for the Oregon Department of Justice. (www.oregonchildsupport.gov). The core formula concept is that each parent's contribution to the child's needs is based on that parent's percentage of the parents' combined gross incomes.

B. **Medical Insurance as a part of child support**– ORS 25.323.

Every child support order shall include a medical support clause. *(ORS 25.323(1))* Medical support includes the provision of health care coverage or cash medical support. Medical support may be ordered in alternative forms. The parent who has appropriate coverage for the child, as defined in statute and rule *(See ORS 25.321 and OAR 137-050-0750),* must provide this coverage. If both parents have appropriate coverage, both may be ordered to provide it. If both parents are providing health care coverage, the Child Support Program will not order either parent to pay cash medical support, except in a contingency provision. If neither have coverage, the court must order that one or both parents maintain private health care coverage when it becomes available. The out-of-pocket cost for the health premium is factored into the child support formula up to $250 per child, per year. "Cash medical support" is intended to defray premium costs, deductibles, co-pays and uninsured medical expenses. Some practitioners prefer to negotiate rebuttal of the presumptive support amount and assign responsibility for uninsured medical costs on a percentage basis rather than order cash medical support. A medical support clause may not include an order that a parent pay cash medical support or provide health care coverage if the parent's income is equal to or less than the Oregon minimum wage for full-time employment. *(ORS 25.323(7)).*

C. **Stepchildren**

Spouses no longer have the legal obligation to support non-joint children of their spouses. ORS 109.053 was repealed. However, if there is an order for a step-

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parent to pay support for a step-child, that step-parent may receive additional child credit in a calculation for the parent's own child *(see OAR 137-050-0720(2)(c)*.

D. **Temporary support,** pending a dissolution or other domestic relations case – ORS 107.095.
Temporary orders for support are "limited judgments". Under a ruling from the Court of Appeals, limited judgments for temporary support must be in a document separate from terms that do not address money judgments, i.e., re temporary child custody or parenting time. *Order to Dismiss Appeal on Court's Motion in Mullarkey and Nemiroff, Court of Appeals case no. CA A130533 (Dec. 2005) (Justice Brewer).*

E. **Support requested by separated spouse**. ORS 108.100.
Without a suit addressing the marital status, a married person may apply for support from a separated spouse for him/herself and for their children (or stepchildren). The base filing fee is only $6.00 for this relief. *ORS 108.130*.

F. **Support in general judgment** of dissolution or re unmarried parent's petition – ORS 107.105.
The court may order support only prospectively, if temporary support was not sought under ORS 107.095. *See, e.g., Moore and Moore,* 84 Or App 182 (1987).

G. **Support for "child attending school**" – ORS 107.108. OAR 137-055-5110.
Oregon is in the small minority of states that obligate parents to support children who have reached the age of majority but are under 21 years of age and are still attending high school or college. To qualify for support, such "children" must be attending school at least half-time as defined by that educational institution and submit to the paying parent(s) and DCS certain information during the first month of each semester. Support is often paid directly to such students. *See IV, B,. below.* Joint children ages 18-20 are necessary parties in any case in which the court has authority to establish or modify child support.

H. **State-initiated support proceeding filed administratively** –
The State of Oregon is the assignee of child support rights for any child who receives cash public assistance (TANF - Temporary Assistance to Needy Families), Oregon Health Plan Benefits, or public foster care payments, or who is in the custody of the Oregon Youth Authority. *ORS 416.400*, *ORS 412.024*,, *ORS 418.032*, *ORS 419B.406*, *ORS 419C.597*,*OAR 461-120-0315*. The State initiates paternity and cash/medical support proceedings in these cases – almost always administratively – to pursue the State's financial interest in recovering from one or both the parents. *ORS 416.415*.

1. **Three parties** – These are tri-party proceedings (State vs. obligor- and obligee-respondents). The State does not represent either parent although its interests may be allied predominantly with one or the other in a given proceeding.
2. **Services provided** – The State program provides not just paternity and support establishment, but also modifications (upward or downward to conform to the guidelines), enforcement, medical support establishment and enforcement, and location of absent parents. *See administrative regulations controlling Child Support Program, set out in OAR 137- 055–1020, et seq.* Most District Attorney offices provide the same child support services to individuals whose children don't receive state monies but who choose to request services from the child support program. DCS provides these services to private individuals in counties in which the

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District Attorney has opted not to contract with DCS.

I. **Appeal of administrative support ruling, *de novo,* in circuit court** – ORS 416.425.

Most agency proceedings in which child support is established or modified are telephonic hearings before Administrative Law Judges from the Office of Administrative Hearings. The initiating document is known as a "NFFR" – (pronounced "niffer") which is an acronym for "Notice and Finding of Financial Responsibility." Both parents are respondents in the proceeding. Service on the obligor is typically by certified mail and on the obligee by regular mail. *ORS 416.415(1); ORS 25.085*. These service methods could reverse when an obligor requests a modification. The default rate is substantial. Appeal of the agency decision lies in the circuit court for a hearing *de novo*, which request must be filed within 60 days of the date the administrative order has been entered with the court. Significantly, facts frequently change between the time of the agency hearing and a judicial appeal. *See V,B, below.*

J. **Modifications of child support** –

1. ORS 107.135(1)(a) -- Authorized on a showing of a substantial change of circumstance, unforeseen in nature or degree. Usually the change involves a parent's income, but it can also be a change in the child's needs. Relief may be ordered effective the date of service of the motion. *ORS 107.135(6)*.
2. ORS 416.425(13) – Temporary "employment related" modifications are available only for cases on the State program when the Attorney General declares that a significant period of unemployment exists. The modification ordered under this authority is available for only six months, unless renewed. *ORS 416.425 (13)(A) and (B) and (13)(D)*.
3. ORS 107.445 – Attorneys fees authorized for serious interference with a parent's parenting time rights. Rarely used, given the prejudice to the child.
4. ORS 25.287 – Modification to conform a child support order to the guideline amount (regardless of a change in circumstance) in a proceeding initiated at least three years since the last review or modification. A variance of $50 or 15% between the existing order and the guideline amount must exist for the modification to occur. This relief is available only to cases on the State program. *See also OAR 137-055-3420.*
5. ORS 416.425 – Administrative modification, including suspension of the support obligation of an incarcerated obligor during the period of incarceration + next 60 days. *See also OAR 137-055-3430 and OAR 137*-055-3300.
6. ORS 416.416. -"Flip-flop" administrative modifications: An administrative support order may provide that the support award will reverse as between the parties in the event that the child's physical custody changes to the other parent. A sworn affidavit by one parent having physical custody of the child is sufficient to establish a change in physical custody for purposes of this administrative remedy. The other parent may contest the affidavit and request a hearing. The legal custody of a child is not affected by a change to the support order made pursuant to this statute.
7. ORS 25.323(2) –Modification of a child support order that does not include a medical support clause must include a medical support clause.

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See also OAR 137-055-3430

8. Under UTCR 2.130 personal information is segregated from documents and is provided on the Confidential Information Form (CIF) to the court.

K. **Uniform Interstate Family Support Act (UIFSA)** – ORS Chapter 110. *See separate primer "UIFSA – a Primer."*
This chapter governs jurisdiction, procedure, registration, controlling orders, and enforcement in interstate child support matters.

L. **Child Support worksheet as exhibit for judgment** – UTCR 8. 060.
The worksheet that sets out the support calculation under the OAR must be appended as an exhibit to every judgment that contains a support award under OAR 137-050-0700 through 137-050-0765.

M. **Copy of support order for DCS** – ORS 25.140.
In every case in which a support order is made, not just those cases already on the DCS/DA system, a copy of the support order/judgment must be sent to court for routing for DCS. This requirement is to ensure that DCS has the information it needs to set up a skeleton case record as a placeholder if and when public services are requested later. Under UTCR 8.010(9), social security numbers must be segregated from documents.

N. **Paternity establishment as prerequisite for child support.**
Child support cannot generally be ordered until paternity is established. An exception exists for situations in which a parent's testimony is supported by genetic testing that has produced a cumulative paternity index exceeding 99%. ORS 109.259. *See also ORS 110.392(2) re temporary support in UIFSA proceedings and OAR 137-055-3040*
.

1. **Establishment of paternity** – Paternity may be established by s Voluntary Acknowledgment of Paternity filed with the Vital Records Division, administrative action under ORS 416.400 *(see H, above)*, or judicial filiation proceedings under ORS 109.124 *et seq.* Paternity is also established by rebuttal presumptions involving marriage. *See ORS 109.070 (1)(a-b).*
2. **Retroactivity of support obligation** – Support may be ordered from the date of birth, ORS 109.155 (4), although as a practical matter, most courts will not assess support for periods of time when the parents cohabited. On paternity actions commenced administratively, support may be set back to the date of a parent's last application for state child support program services, or the last referral to the child support program from the public welfare agency. *ORS 416.422.* This obligation is known as "past support." *See also OAR 137-055-3220.*

O. **Prior Judicial or Administrative Support Actions.**
When filing support claims, parties must inform the Court whether there is a pending *or existing* support order involving the parties, either administrative or judicial. *ORS 107.085(2)(c)(C)* . This notice requirement –effectuated through a certificate whose form is set out in the UTCR Appendix – was adopted to implement the simultaneously enacted provision at ORS 25.091 that the *last* child support order (agency or judicial) is presumed to contain the controlling terms. *See III, D, below, re rebuttal of that presumption.* In practice, the Court needs to make its own inquiry regarding the existence of other support orders, a query not only of the parties, but also on OJIN (which will show only a docketed order).

1. **If an existing order exists** (judicial or administrative), the Court should

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defer to the existing order absent the criteria detailed in statute: a substantial change of circumstances (e.g., different incomes, different daycare or health insurance expense, parenting time credit, a change in rebuttal factors such as travel expenses or extraordinary needs of a parent or child), or other allowable grounds. *See 25.091(5) and IV.B., below.* If the existing order is from another state, the UIFSA controls whether the court may modify the order. *See separate primer "UIFSA – a Primer."*

2. **If a support action is pending administratively**, it may be appropriate to defer to that agency process to set child support, unless judicial economy warrants the exercise of judicial jurisdiction because of claims for spousal support or parenting claims that affect the support obligation.

II. Jurisdiction Issues

A. Subject-matter jurisdiction

This issue is seldom problematic, except in the context of interstate moves by the parents or in the intersection of court and agency practice.

1. **Interstate context / UIFSA** – The UIFSA, *see I.K., above,* controls the determination of which state has subject-matter jurisdiction over child support modifications. The core concept is that once a tribunal (court or agency) has issued a support order consistently with state law, that state has CEJ (continuous exclusive jurisdiction) to modify the order: (1) as long as the obligor, obligee, or child reside in that issuing state and (2) no written consent from all parties exists for another state to assume CEJ. *ORS 110.327. See separate primer "UIFSA – a Primer."*
2. **Intersection of court-agency practice** – The child support program has no jurisdiction over medical insurance issues except to seek and enforce health insurance coverage and cash medical support for the child. The program will therefore not address the issue of responsibility for a child's uninsured medical costs (outside the OAR reference to the first $250 of out-of-pocket costs being included in the child's needs in the formula, *see III,C, below*).

B. Personal Jurisdiction

Several bases of personal jurisdiction are set out in Oregon law for personal jurisdiction in a child support matter

1. **Personal service in Oregon** – spouses residing in Oregon simultaneously followed by filing of the legal action within one year of absent spouse's acquisition of a new state of domicile. *ORCP 4A(1).*
2. **Oregon domicile even if service elsewhere** – *ORCP 4A(2).*
3. **Consent**
4. **Appearance in litigation without timely motion to dismiss –** *ORCP 21G.*
5. **"Minimum contacts" sufficient for federal due process** standard – *ORCP 4L.* UIFSA *(ORS 110.318)* sets out additional categories of contacts:
   a. Past residence in Oregon plus provision of prenatal expenses or support for the child
   b. Directing the child's residence in Oregon or acting in a manner

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that resulted in the child residing here

c. Engaging in sexual intercourse in Oregon that likely resulted in child's conception

d. Executing a joint declaration of paternity filed in Oregon**.**

The commentary to the UIFSA recognizes that application of these statutory standards may exceed due process in some situations. The leading U.S. Supreme Court case on minimum contacts in the child support context is *Kulko vs. California,* 436 U.S. 84; 98 S. Ct. 1690 (1978). The leading Oregon case is *Horn and Horn*, 97 Or App 177(1989). Both were decided before the UIFSA was drafted.

III. Significant Calculation Issues

A. Formula factors

A parent's child support obligation in Oregon is calculated on the child's needs multiplied by each parent's percentage of the parents' combined gross income. A state-developed chart establishes the child's needs. *See OAR 137– 050–0725* The main findings of fact a trier must make under OAR 137-050-0710 include: a gross monthly income figure for each parent, the percentage of overnights each parent has the child, the cost of day care expenses related to work or job search, and whether health care coverage is available at a reasonable cost.

B. Parenting time/Overnights

A parent may receive a credit in the child support calculation if (1) a written parenting time agreement or court order exists and (2) the parent has the child a minimum of 25% of overnights. The credit increases as the parent's parenting time increases. *OAR 137-050-0450; OAR 137-050-0730.* Actual parenting time may be used, if different than an agreement or order. A measure other than overnights may be used to reflect significant periods of time a parent has a child that do not include overnights.

C. Medical expenses other than Insurance

The guidelines' "chart" for setting out the needs of a child assumes a $250 annual out-of-pocket cost per child for incidental or recurring medical expenses. *See See OAR 137-050-0725(9)*. Amounts that exceed that sum would be reimbursed through cash medical support or through the parties' negotiation of a percentage share of uninsured costs in lieu of cash medical. Cash medical support also includes the costs incurred by the custodial parent to insure the child and includes deductibles and co-pays.

D. Findings for Rebuttal *(Deviation from Guidelines)*

The amount of child support resulting from the guideline calculation is the amount presumed appropriate under Oregon law. *ORS 25.280.* A trier may order a different amount of support if the trier specifies the presumed amount and includes a finding that the guideline amount is unjust or inappropriate and sets out the reason for the deviation. *ORS 25.280(1); OAR 137-50-0760(1).* The guidelines provide a non-exclusive list of criteria that may be sufficient to rebut the presumed amount of support. Any economic factor may be sufficient for rebuttal. *Peterson and Peterson,* 132 Or App 190 (1994).

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E. **Tax dependencies**

The guidelines assume that the custodial parent claims the child as a dependent. *OAR 137-050-0725(9)*. A different arrangement between the parties may be grounds for rebuttal.

IV. Payment Issues

A. **Income withholding as the preferred method**

As a result of federal legislation, all child support payments must be paid by income withholding (from wages, unemployment compensation, workers' compensation, etc.), even if no arrearage exist, unless the trier finds "good cause" not to implement withholding. The finding of "good cause" is controlled by statute, *ORS 25.396*, and a written agreement for an alternate payment method must be reached if no withholding is ordered.

1. **For cases on the DCS/DA system** – all support must be paid to the Oregon Department of Justice in Salem by income withholding (if the obligor has employment or benefits). The only "alternative agreement" the State makes is for Electronic Funds Transfer ("Sure-Pay"), which is the regular transfer of funds from the obligor's bank to the obligee's.
2. **For "private" cases** – any "alternative agreement" may suffice. Such arrangements include deposit into a joint account or to the obligee's bank account, direct payments, etc.

B. **Child attending school** – ORS 107.108

All orders entered after October 4, 1997, for support of an 18, 19, & 20 year old attending school are required to be paid directly to the child, instead of the parent, unless good cause is shown. When multiple children benefit from the same support order, the portion allocated for direct payment to the "child attending school" is a pro rata share. If the "child attending school" loses his/her qualification as such under Oregon law, DCS may terminate direct payment to the child, but a modification is needed to terminate the underlying support obligation.

C. **License Suspension –** ORS 25.750 and OAR 137-055-4420

All licenses, certificates, permits, or registrations required by state law for a person to possess are subject to suspension upon certification to the agency administrator that the party holding the license is in arrears on any child support order in an amount equal to or the greater of three months of support or $2500.

V. Selected Child Support Dockets and Proceedings

A. Contempt – ORS 33.015 *et seq*.

1. **Definition**: in this context, the willful disobedience or resistance to or obstruction of court's authority, process, orders or judgments
2. **Types**:
   a. **Punitive** – ORS 33.065. Sanctions seek to punish past conduct. Case may be initiated only by district attorney, city attorney, or attorney general. Court may appoint an attorney to prosecute if that public attorney declines prosecution. *ORS 33.065(3)*.
      (1) **Procedure**: Unclassified misdemeanor. Accusatory instrument to be filed per ORS chapter 135 and UTCR Chapter 19 (notice and designation of sanctions). All

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rights of criminal defendant except jury trial. Proof beyond a reasonable doubt

(2) **Elements of charge**
   - (a) Existence of valid court order
   - (b) Defendant's knowledge of order
   - (c) Voluntary (willful) noncompliance

(3) **Possible sanctions**
   - (a) Fine up to $500 or 1% of defendant's annual gross income, whichever is greater
   - (b) Forfeiture of proceeds of property obtained from the contempt
   - (c) Confinement for up to 6 months
   - (d) Any remedial sanction

(4) **First Appearance (**= arraignment. Defendant is appearing under warrant or court order)
   - Defendant provided copy of complaint
   - Defendant asked:
     - Name spelled correctly
     - Understand why before the court
     - Understand the charge
   - Defendant advised:
     - Nature of charge
     - Maximum sanctions available, including jail
     - Right to counsel, including appointed counsel if indigent
     - Right to remain silent, cross-examine witness, subpoena witnesses
   - Ask how Defendant wishes to proceed:
     - Appoint attorney if requested and eligible
     - If attorney is appointed, set over for entry of plea or hearing
     - If Defendant pleads guilty, handle/set for sentencing
     - If Defendant pleads not guilty, set for trial
   - Make release decision if Defendant is in custody or needs to be booked

(5) **Defenses**
   - Inability to comply: Affirmative defense under 33.055(10), requires minimum 5 days pretrial notice under ORS 33.065(7).
   - Statute of limitations expired: 10 yrs for failure to pay support, otherwise is 2 years. ORS 33.105
   - Void order (not voidable)
   - Lack of knowledge of the order

b. **Remedial** – ORS 33.055

(1) **Procedure** – Pleadings (motion and affidavit in same case as underlying order) must be personally served. UTCR

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Chapter 19 compliance required re notice and designation of sanctions. Right to counsel if confinement is sought. Alternate service or arrest warrant authorized on finding that personal service not possible. Bench warrant authorized if Respondent fails to appear after service. Clear and convincing standard of proof unless confinement is sought, then beyond a reasonable doubt.

(2) **Elements of charge**
- (a) Existence of valid court order
- (b) Defendant's knowledge of order
- (c) Voluntary (willful) noncompliance

(3) **Possible sanctions**
- (a) Payment of money to compensate for loss
- (b) Confinement as long as contempt continues or 6 months, the shorter
- (c) Fine up to $500 or 1% of defendant's annual gross income, whichever is greater, for each day contempt continues
- (d) Any order designed to ensure compliance or any court determines effective
- (e) Attorney fees

(4) **Defenses**
- Inability to comply: Affirmative defense under 33.055(10), requires minimum 5 days pretrial notice under ORS 33.065(7).
- Statute of limitations expired: 10 yrs for failure to pay support, otherwise is 2 years. ORS 33.105.
- Void order (not voidable)
- Lack of knowledge of the order

B. Appeal of Agency Child Support Order – ORS 416.427(6)

De Novo hearing. In some counties the ruling of the ALJ is reviewed as a part of the record and in others a completely new and complete record is elicted. *See I.I, above.* The guidelines in the OARs apply. Fuller exploration of formula and rebuttal factors is often possible, particularly if one or both parties did not participate in the telephonic agency hearing or if discovery has been done since that point.

C. Appeal of Agency Income Withholding Order – ORS 25.405

Initiation of appeal does not stay agency's withholding decision unless court so orders. The only ground to contest withholding is a mistake of fact – wrong obligor, wrong monthly amount, or wrong arrearage under ORS 25.406(2). Provisions of the Administrative Procedures Act for "other than contested cases" apply: 60 day filing deadline for appeal, substantial evidence standard of review, special findings if agency is reversed.

D. Challenges to Registration of Foreign Support Judgment – ORS 110.414 – .417

See separate document "*UIFSA – a Primer.*"

VI. Court-Agency Intersection re Child Support

The public child support program establishes and modifies far more child support orders

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annually than do the courts. The intersection of the agency process with the courts is sometimes problematic due to: (1) the complexity of federal and state regulations that drive the administrative process and significant aspects of the court's procedures (such as child support guidelines), (2) the heavy reliance by the Child Support Program on the administrative process rather than the judicial, due to expedience and expense, (3) the cultural differences between an executive agency using regulation and rule as its touchstone and a judicial branch whose family law court is grounded in its exercise of discretion based on a child's best interests, (4) the limited jurisdiction of the agency, which cannot address substantive custody and parenting time issues that influence and inform child support rulings; and (5) the mixed role the courts play for the agency, i.e., sometimes a parallel forum, sometimes an appellate forum. Coordination of efforts between the courts and the Program are the focus of a statewide committee operating under the Office of the State Court Administrator.

A. **Administrative support orders have judgment effect and cannot be trumped by subsequent judicial orders except as set out in statute**
The Program files its support orders with the court, and they have judgment effect under state law. Federal law compels the state to enact such legislation. *See 42 U.S.C. §666(a)(9) (requiring states to have laws giving full faith and credit to agency and court orders within a state and issued by other jurisdictions). See also 28 U.S.C.§1738.* Historically, the program viewed a court order issued after an agency order as trumping the agency ruling, but to conform to the federal directives, Oregon legislation effective in January 2004 clarifies that the *last* support order (agency or judicial) is presumed to contain the controlling terms. *ORS 25.091(4).* This presumption may be overcome by a showing that ORCP 71 vacate grounds exist, that the last order was issued without notice to the trier that another support matter was pending or finalized between the same parents, or that the last support order modified the prior one without statutory compliance.

B. **Agency orders that modify judicial orders are not effective until approved by the Court.** ORS 416.425 (10). Separation of powers concerns underlie this rule.

C. **The courts are appellate forums for most agency child support proceedings**
Appeals of most agency rulings regarding child support, including those to establish and modify support, are to the circuit court *de novo*. *ORS 416.427(6).* Appeals of selected agency support proceedings (for example, issues involving license suspension) lie in the Court of Appeals, under the contested case provisions of the Administrative Procedures Act.

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