

A brief guide to child support in Oregon

What is child support?

Child support is a monthly payment that one parent pays to the other parent to ensure that the joint children maintain a similar standard of living in both parents' homes and have their basic needs taken care of.

Child support is a right that belongs to your children. A judge will not allow parents to waive one parent's obligation to pay child support, unless there is a very good reason.

For example, a court might approve an agreement to waive child support, if the parents agree that instead of paying child support, one parent will allow the other parent to keep all of the equity in a jointly-owned home.

Who pays child support?

In most cases, the parent who has the children the majority of the time ("the residential parent") will receive support from the non-residential parent.

However, this is not always the rule. Child support is based on a number of factors, including each parents' income, childcare costs, health insurance costs, and more. So, for example, if a residential parent earns significantly more than a non-residential parent, it is possible that the residential parent will have to pay the other parent child support.

How you get child support?

If the other parent is not willing to voluntarily pay child support, you need to get a **order** that requires them to pay you. An **order** is a decision from a court that contains enforceable terms. It

must be signed by a judge. There are two ways you can get a child support order:

1. By filing an application for services with the Oregon Department of Justice, Child Support Program, or
2. Through a divorce or custody case.

Neither option is better. You can also pursue both options at the same time.

Obtaining child support through the Oregon Child Support Program

Parents can apply for free child support services through the state, through the Oregon Child Support Program. A parent can apply for child support services at any time, regardless of whether a custody or divorce case has been filed.

The state is very busy and it can take between three months and a year and a half to obtain a child support order through the state. However, even if it takes the child support program a year to establish support, they will usually go after back child support from the date you submit your application for services.

Here is a link to the Oregon Child Support program website with information on how to apply for child support services: <https://www.doj.state.or.us/child-support/services/enroll-for-child-support-services/>.

Obtaining child support through a divorce or custody case

You can obtain a court order requiring the other parent to pay you child support in your divorce or custody case.

It can also take awhile to get a child support order through a divorce or custody case. Typically child support is ordered at the very end of the case when the case is concluded. It can take anywhere from a few months to more than a year to finish a custody or divorce case depending on the issues in your case.

However, parents can also request back child support in a divorce or custody case. The judge has the ability to order a parent to start paying child support from the date a petition for custody or divorce is filed. This means at the conclusion of your case, one parent may owe a large sum of money for back child support.

How is child support calculated?

In Oregon, child support is determined by using a standard child support calculator. This child support calculator is available online for anyone to use: <https://justice.oregon.gov/guidelines/>.

The calculation relies on the following information:

- Each parties' income;
- Whether a party receives or pays spousal support;
- The availability and cost of health care coverage for the children;
- The cost for the parent's own health care coverage;
- The number of joint minor children;
- Whether the parties have non-joint minor children;
- The amount of overnights that the joint children spend with each parent;
- Whether the children receive Veterans or Social Security benefits based on one or both of the parent's retirement or disability; and
- Monthly childcare costs (childcare costs only include daycare, nanny, or babysitter costs).

If parties do not agree on child support, then a judge or the child support program will make a decision on the above factors and then use these numbers to calculate support. In most cases, the amount of child support ordered is the amount generated by the calculator.

Determining income

Usually, the most complicated factor in calculating child support is each parents' income. There are a lot of rules about what should be counted as income and what should not. To read these rules, visit: <https://justice.oregon.gov/child-support/pdf/137-050-0715.pdf>

In general, any money a parent receives, including wages, gifts, inheritances, etc. should be counted toward their income.

If a parent is not working full-time or is hiding their income by working under the table, the judge will **impute** income to that parent based on their potential to work full-time based on their educational and work history.

Deviating from the child support calculation

A judge can only deviate from the guidelines support amount if there is a good reason. For example, if your child has a disability and requires expensive medical care, a judge can increase the amount of child support to help cover those extra expenses.