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PERMANENT ADMINISTRATIVE ORDER

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DEPARTMENT OF JUSTICE

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FILING CAPTION: Self-Support Reserve; Agreed Support Amount

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RULES:

137-050-0745, 137-050-0765

AMEND: 137-050-0745

RULE TITLE: Self-Support Reserve

NOTICE FILED DATE: 03/30/2018

RULE SUMMARY: OAR 137-050-0745 is amended to update the self-support reserve in the child support guidelines using the federal poverty level guidelines for 2018.

RULE TEXT:

- (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 \$1181 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, and rounded to the nearest whole dollar. This rule will be reviewed and updated annually to reflect changes in the federal poverty guideline.

STATUTORY/OTHER AUTHORITY: ORS 25.275, 25.280, 180.345

STATUTES/OTHER IMPLEMENTED: ORS 25.275, 25.280

AMEND: 137-050-0765

RULE TITLE: Agreed Support Amount

NOTICE FILED DATE: 03/30/2018

RULE SUMMARY: OAR 137-050-0765 is amended to clarify that parties are only waiving administrative hearing rights when consenting to a support amount.

RULE TEXT:

(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 administrative hearing 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.

STATUTORY/OTHER AUTHORITY: ORS 25.270 - 25.290, 180.345

STATUTES/OTHER IMPLEMENTED: ORS 25.270 - 25.290