

Special Circumstances

Intergovernmental Case Modification

If either parent lives outside of Oregon, the Uniform Interstate Family Support Act provides guidance to determine which state is responsible for modifying a child support order. Timelines may vary.

For more information about interstate cases, visit oregonchildsupport.gov.

Incarcerated Parents Ordered to Pay Support

If a parent who pays child support in Oregon is, or is expected to be, confined in a correctional facility for at least 180 days, they are presumed unable to pay child support.

- » Either party can notify us of incarceration
- » Within 30 days of learning of the incarceration, the Program will take steps to suspend support
 - » If the other parent objects, a hearing will be scheduled
- » After the parent has been released for at least 120 days, the support order is automatically reinstated at 50% of the previously ordered support amount

If your order was modified to zero prior to January 1, 2018, different rules apply. Orders that were modified to zero due to a parent's incarceration will automatically reinstate at the previous amount on the 61st day following the parent's release. If your order was established in another state, different rules may apply.

Oregon Department of Justice Oregon Child Support Program

Supporting Parents to Support Children



800-850-0228

OregonChildSupport.gov



MODIFICATIONS

Modifications



Oregon Department of Justice

Oregon Child Support Program

Modifications

A modification is a process to change periodically a child support order so it complies with the guidelines or to change an order due to a change of circumstances. Modifications can be completed administratively by the Program or by a court and usually cause the support amount to increase or decrease.

Steps to modifying a current order for child support

1. Requesting a Modification

Submit a written request to review and modify a child support order if:

- » It's been at least 35 months since the order was finalized or reviewed
- » There has been a significant change of circumstance since your order was finalized. (*You must show proof of the change.*) Examples of significant changes are:
 - » Physical custody of the child have changed
 - » Income of one or both parents have changed
 - » Number of children involved have changed
 - » Needs of the child have changed

2. Program Review and Notification

The Program reviews the request and if it qualifies, gathers information from all parties and prepares the proposed modification, if appropriate.

- » Copies are sent to all parties. The average time to complete a modification is 30 to 90 days, but may vary. Sometimes it takes repeated attempts to serve the proposed modification on all parties.

3. Opportunity for Response

Parents must respond within 30 days to:

- » Correct information
 - » Corrections are reviewed, updated and an amended proposed order will be issued
 - » An additional 30 days are added for either parent to take action on the amended proposed order
- » Request a hearing
 - » If either parent requests a hearing, there are more steps (see the hearings section for more information)
 - » Consent to the terms of the modification

Timeline for modifying a child support order

Modification usually takes between 30 and 90 days. It may take more or less time, depending on the family's needs.

You may also be able to seek a modification in court. Contact your local court for information.

The effective date of a modified child support order is the date the proposed order is served on the other (non-requesting) parent.

Steps for administrative hearings

1. Talk to a case manager to request a hearing
2. Case Manager will send a *Request for Hearing* to the Office of Administrative Hearings (OAH)
3. OAH will contact the parents to schedule a hearing
 - » Parents should receive a hearing date within 30 to 60 days
4. Hearing occurs by telephone with an Administrative Law Judge
5. Administrative Law Judge makes a final decision
 - » OAH mails the decision to the parents and case manager within 30 to 45 days
6. The Oregon Child Support Program begins enforcing the new child support order

If a parent disagrees with the final decision, they may appeal by filing a petition for review in a circuit court within 60 days of the Program filing the final order in court.