

# Senate Bill 515

Sponsored by Senator DECKERT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Includes income of spouse or person with whom parent lives in relationship similar to husband and wife in formula to determine child support award in certain instances.

## A BILL FOR AN ACT

1  
2 Relating to child support; amending ORS 25.275.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 25.275 is amended to read:

5 25.275. (1) The Division of Child Support of the Department of Justice shall establish by rule a  
6 formula for determining child support awards in any judicial or administrative proceeding. In es-  
7 tablishing the formula, the division shall take into consideration the following criteria:

8 (a) All earnings, income and resources of each parent, including real and personal property;

9 (b) The earnings history and potential of each parent;

10 (c) The reasonable necessities of each parent;

11 (d) The ability of each parent to borrow;

12 (e) The educational, physical and emotional needs of the child for whom the support is sought;

13 (f) The amount of assistance that would be paid to the child **for whom the support is sought**  
14 under the full standard of need of the state's IV-A plan;

15 (g) Preexisting support orders and current dependents; [*and*]

16 **(h) The income of a spouse or another person with whom the parent lives in a relation-**  
17 **ship similar to husband and wife if the parent supports a nonjoint child, as defined by rule,**  
18 **in that household; and**

19 [*h*] (i) Other reasonable criteria that the division may find to be appropriate.

20 (2) The formula described in subsection (1) of this section must also comply with the following  
21 standards:

22 (a) The child **for whom the support is sought** is entitled to benefit from the income of both  
23 parents to the same extent that the child would have benefited had the family unit remained intact  
24 or if there had been an intact family unit consisting of both parents and the child.

25 (b) Both parents should share in the costs of supporting the child **for whom the support is**  
26 **sought** in the same proportion as each parent's income bears to the combined income of both par-  
27 ents.

28 (3) The formula described in subsection (1) of this section must be designed to ensure, as a  
29 minimum, that the child for whom support is sought benefits from the income and resources of the  
30 absent parent on an equitable basis in comparison with any other minor children of the absent  
31 parent.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (4) The child support obligation to be paid by the obligor and determined under the formula  
2 described in subsection (1) of this section:

3 (a) May be reduced or increased in consideration of the costs of a health benefit plan incurred  
4 by the obligor or obligee, as provided in ORS 25.321 to 25.343.

5 (b) May be reduced dollar for dollar in consideration of any Social Security or apportioned  
6 Veterans' benefits paid to the child **for whom the support is sought**, or to a representative payee  
7 administering the funds for the child's use and benefit, as a result of the obligor's disability or re-  
8 tirement.

9 (c) Shall be reduced dollar for dollar in consideration of any Survivors' and Dependents' Edu-  
10 cational Assistance under 38 U.S.C. chapter 35 paid to the child **for whom the support is**  
11 **sought**, or to a representative payee administering the funds for the child's use and benefit, as a  
12 result of the obligor's disability or retirement.

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