

House Bill 2812

Sponsored by Representative THATCHER (at the request of Terry Bouie) (Pre-session filed.)

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**.

Prohibits formula for determining child support awards from reducing income of obligee for current dependent if father of current dependent is not obligor.

A BILL FOR AN ACT

1
2 Relating to the formula for determining child support awards; creating new provisions; and amending
3 ORS 25.275.

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

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

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

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

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

11 (c) The reasonable necessities of each parent;

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

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

14 (f) The amount of assistance that would be paid to the child under the full standard of need of
15 the state's IV-A plan;

16 (g) Preexisting support orders and, **except as provided in subsection (5) of this section**, cur-
17 rent dependents; and

18 (h) Other reasonable criteria that the division may find to be appropriate.

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

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

24 (b) Both parents should share in the costs of supporting the child in the same proportion as each
25 parent's income bears to the combined income of both parents.

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

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

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 (a) May be reduced or increased in consideration of medical support, as provided in ORS 25.321
2 to 25.343.

3 (b) May be reduced dollar for dollar in consideration of any Social Security or apportioned
4 Veterans' benefits paid to the child, or to a representative payee administering the funds for the
5 child's use and benefit, as a result of the obligor's disability or retirement.

6 (c) Shall be reduced dollar for dollar in consideration of any Survivors' and Dependents' Edu-
7 cational Assistance under 38 U.S.C. chapter 35 paid to the child, or to a representative payee ad-
8 ministering the funds for the child's use and benefit, as a result of the obligor's disability or
9 retirement.

10 **(5) In determining the child support award under the formula described in subsection (1)**
11 **of this section, the income of the obligee may not be reduced in consideration of a current**
12 **dependent:**

13 **(a) Whom the obligee is required to support;**

14 **(b) Who is a child born to the obligee; and**

15 **(c) Whose paternity as established or rebutted under ORS 109.070 is a man who is not the**
16 **obligor.**

17 **SECTION 2. The amendments to ORS 25.275 by section 1 of this 2011 Act apply to child**
18 **support awards based on income determinations involving current dependents as described**
19 **in ORS 25.275 (5) conceived or born on or after the effective date of this 2011 Act.**

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