

**TO OUR CLIENTS PAYING OR RECEIVING
SUPPORT FOR ADULT CHILDREN**

Oregon law allows for child support to continue past the age of 18 for a "child attending school." There are specific definitions that apply and certain reporting requirements that must be met. **Failure to meet the reporting requirements can result in termination of child support.** It is important that you and your adult children know these rules.

As of 1/1/05 the statutory requirements can be found at <http://www.leg.state.or.us/ors/>
Also relevant Oregon Administrative Rules can be found at:
http://arcweb.sos.state.or.us/rules/OARS_100/OAR_137/137_050.html and
http://arcweb.sos.state.or.us/rules/OARS_100/OAR_137/137_055.html

ORS 107.108(8) says:

A "child attending school" as a child of the parties who is unmarried, is 18 years of age or older and under 21 years of age and is a student regularly attending school, community college, college or university, or regularly attending a course of professional or technical training designed to fit the child for gainful employment.

A child enrolled in an educational course load of less than one-half that determined by the educational facility to constitute "full-time" enrollment is not a "child attending school."

ORS 107.108 (4) says:

When support is ordered for a child attending the support is to be directly distributed to the child unless good cause (by the court) is found for the distribution of the payment to be made in some other manner.

When there are multiple children for whom support is ordered, the amount paid directly to a child is a prorated share based on the number of children for whom support is ordered unless otherwise ordered.

ORS 107.108(5) says:

For a child to be eligible to receive support, the child

- (a) **Must maintain the equivalent of a C average or better.**
- (b) **Shall notify a parent paying support when the child ceases to be a child attending school.**
- (c) **Shall submit to the department and the parent paying support, on a form developed by the department, all information necessary to establish eligibility to receive support under this section, including grades earned and the courses in which the child is enrolled. The child shall submit the information required by this paragraph within the first month of each term or semester.**

This means the report must be sent both to the State of Oregon and the paying parent and this must be done within the first 30 days of each term or semester. If your child is late, support distribution to that child ends and support can be terminated. It does not terminate without a court order.

ORS 107.108(6) says that:

If the child fails to comply with any of the requirements imposed on the child by this section and upon written notice from the obligor, the distribution of the support directly to the child ceases and may not be reinstated unless the parent paying support elects to continue to pay the support.

That means that the person paying the support must write the state and give notice that the child is not in compliance if the payor wants to end the support for non-compliance.

If the underlying support order is for the support of more than one child, the parent is still obligated to pay the full amount ordered until such time as the support order is modified. Under those circumstances, all that happens is that support ceases to be paid to the adult child.

A child's failure to comply with the requirements imposed by this section is a substantial change of circumstances for purposes of modification of a support order.