

SUPPORT ORDER / DISSOLUTION JUDGMENT CHECKLIST

- Is withholding notice (ORS 25.384) in support order or dissolution judgment?
- Send copy of supplemental judgment to DCS and District Attorney.
- Send courtesy copy of declaration to District Attorney.
- Advise that first dollar of arrearage goes to DCS for fee.
- If payment is late when there is an agreement to make payments on the arrearage, there is an automatic wage withholding.
- Beware of including language in an agreement that states the owed party will not go to the District Attorney for help in collecting payment. If person has ever been on welfare, there is no choice.
- It is not necessary to have legal custody, just physical custody, in order to ask District Attorney for help in obtaining support.
- Paying party, as well as paid party, can request payments be channeled through the system.
- District Attorney can request withholding at rate higher than 25% (can be up to 65%).
- There are methods for interstate withholding.
- Payee does not need to receive notice of income withholding. Notice is sent to last known address. No other notice is required.
- A party may be in contempt if medical insurance is not kept in effect in accordance with dissolution judgment or order.
- A party may be in contempt for failing to maintain life insurance if required under the dissolution judgment as security for support.
- By registering the dissolution judgment in a foreign jurisdiction, and if the appropriate requirements for UIFSA are met, it is possible for the party in that jurisdiction to have the dissolution judgment modified in that jurisdiction.
- Parenting time cannot be used as a defense under UIFSA.
- When preparing the dissolution judgment, watch for areas that are silent as to one party or the other. Spell out everything in detail (e.g., joint custody provision stating husband pays support while wife has physical custody, but does not state wife will not pay support while husband has physical custody, or failing to state that no spousal support will be paid).
- Watch for ambiguous language as to amount of support or how it is calculated.

- Trial court administrator and DCS do not add in judicial interest on arrearage (judgment) amounts. Advise client to have an accountant figure the interest and inform the appropriate agency so that judgment amount includes the interest.
- All orders or judgments providing for custody, parenting time or support must include provisions addressing: payment of uninsured medical expenses of the child; maintenance of life insurance or other security for support; and maintenance of health insurance for the child.
- Order or judgment must have support worksheet and wage withholding provision.
- All orders and judgments providing for custody, parenting time, or support of a child must include the appropriate statutory notices: ORS 25.384 Notice of Income Withholding; ORS 107.106 Notice to Parents; ORS 25.020 Notice About Periodic Review and Modification of Child Support Orders; and ORS 107.159 Notice Regarding Relocation.
- If parties have agreed to an arrangement for payment of support other than wage withholding, this other arrangement must be clearly identified in the order or judgment. Use language required by ORS 25.396.
- Advise party on modification of spousal or child support, including jurisdictional issues.
- Discuss tax implications of support and that the custodial parent will get the tax exemptions, unless otherwise agreed to by the parties.
- Make sure that the dissolution judgment, the money award within the dissolution judgment, the support computation worksheet and the wage withholding order accurately and consistently state the support amount.
- Make sure the money award complies with ORS 18.042.
- Advise client on when spousal support is terminated. (Make sure that termination of spousal support is not measured by when the children reach majority (or when child support ceases), since the IRS may recharacterize support as hidden child support and disallow the spousal support deduction.)
- Advise client about need to review judgments, and motions to extend time.
- Modify FAPA orders to make consistent with dissolution judgment.
- Check fee schedules to see if payment is due upon filing any order or judgment.

IMPORTANT NOTICES

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