



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Child Support

Section – Policy Number:

B: Financial Management – 7.0

Supersedes:

II-E-1.5 (05/06)
II-E-1.5 (11/02)

Effective Date:

03/26/2012

Date of Last Revision:

03/26/2016

Related Standards and References:

- [45 CFR Part 303 section 5 \(Establishment of paternity\)](#)
- [Public Law 104-193](#) (Personal Responsibility and Work Opportunity Reconciliation Act of 1996)
- [ORS 25.010 to 25.265](#) (General Provisions/support enforcement)
- [ORS 107.108](#) (Support or maintenance for child attending school)
- [ORS 109.250 to 109.260](#) (Uniform Act on Blood Tests to Determine Paternity)
- [ORS 180.320 to 180.380](#) (Attorney General, Department of Justice/DCS)
- [ORS 416.480 to 416.486](#) (Youth Offenders)
- [ORS 419C.597](#) (Juvenile Code: Delinquency/Assignment of Support Obligation to state.)
- [OAR Chapter 416, Division 100](#) (Referrals to Division of Child Support)
- [Child Support Fast Facts Brochure](#)
- [OYA forms](#): YA 1005 (Request for Exemption from Child Support)

Related Procedures:

- None

Policy Owner:

Community Resource Manager

Approved:



Fariborz Pakseresht, Director

I. PURPOSE:

This policy establishes standards for OYA staff when managing youth child support matters.

II. POLICY DEFINITIONS:

Close-custody facility: Any of the facilities operated by OYA including, but not limited to, youth correctional facilities (YCF), work/study camps, and transition camps.

Child attending school: A child that is unmarried and un-emancipated, is between 18 and 21 years of age, is making satisfactory academic progress as defined by the school that the child attends, and has a course load that is no less than one-half of the load that is determined by the school to constitute full time enrollment. .

DCS - Department of Justice, Division of Child Support: The state entity responsible for the enforcement and collection of child support obligations, including the determination of the amount of support the parent(s) or other legally obligated person(s) is required to pay. DCS is also responsible for enforcement of collection of this support when support rights are assigned to the State of Oregon.

Obligor: An individual or the estate of a decedent who owes or is alleged to owe a duty of support; who is alleged but has not been adjudicated to be a parent of a child; or who is liable under a support order. A person who is required to pay child support.

Regularly scheduled break: A summer semester or term; a period of time not exceeding four months between graduation from or completion of school and the beginning of the next regularly scheduled term, semester or course of study at school; a period of time between the end and beginning of regularly scheduled consecutive school semesters, terms or course of study; or any other scheduled break between courses of study that is defined by the school as a regularly scheduled break.

School: An educational facility such as a high school, community college, four-year college or university; a course of professional, vocational, or technical training, including the Job Corps, designed to fit the child for gainful employment, a high school equivalency course, including but not limited to a General Educational Development (GED) program, or an educational program for grade 12 or below and home schooling.

Substitute care: Out of home residential placement in the community that provides 24-hour-a-day care and treatment. Such placements include, but are not limited to, foster care and contracted residential treatment programs.

III. POLICY:

Oregon law requires that a parent(s) or other legally obligated persons pay support toward the care and maintenance of their children when they are placed in OYA custody. The law recognizes the importance of continuing education for a child over 18 years of age who does not benefit from an intact family or who has been removed from the household.

OYA partners with DCS to ensure child support obligations are enforced pursuant to Oregon laws and applicable administrative rules.

IV. GENERAL STANDARDS:

- A. OYA's child support coordinator acts as the liaison between OYA and DCS. OYA staff who have questions about this program may contact the child support coordinator.
- B. Staff must include a copy of a Child Support Fast Facts Brochure in the orientation parent packet upon a youth's commitment to OYA.
- C. Referral information is automatically reported to DCS through an information systems interface with DCS when paid care or institutional services are authorized. This information is entered in the Juvenile Justice Information System (JJIS).
- D. Staff must ensure that parent information in JJIS is accurate and current so the automatic referral information remains current. Examples of parent information include: social security numbers, addresses, places of employment, dates of birth, and telephone numbers.
- E. Establishment of Paternity

The child support coordinator must coordinate all requests from DCS for youth participation in paternity testing for the purpose of establishing a support obligation.

The child support coordinator and the youth's juvenile parole/probation officer (JPPO) or facility staff will coordinate the youth's travel or appointments for paternity testing.

- F. Birth Certificates

OYA may provide a copy of a youth's birth certificate when requested by DCS.

1. The youth's JPPO or treatment manager will attempt to provide the birth certificate. If the birth certificate is not in the youth's case file, the JPPO may request it from available resources, such as parents or family members.
2. If the youth is a DOC youth, the youth's treatment manager will attempt to provide the birth certificate.
3. If no copy is available, the child support coordinator may order an youth's birth certificate for purposes of establishing paternity or identity.

- G. Child Attending School

A youth in OYA custody is considered a "child attending school" when the criteria of ORS 107.108 are met.

1. The child support coordinator must work with OYA staff to ensure DCS receives all information necessary to establish eligibility under this section, including the name of the school and the expected graduation date or date when the youth will stop attending school or vocational training.
2. Upon receipt of information, the child support coordinator must complete the appropriate forms and forward them to DCS.
3. When a youth is considered a "child attending school" and ceases to participate in school or vocational training, the youth's JPPO or treatment manager must send notice to the child support coordinator.

H. Youth Continuing Education Post-OYA

If the youth had an existing child support order on the youth's behalf prior to OYA custody and continues to meet the "child attending school" criteria at the time of case termination, the youth's JPPO or treatment manager will instruct the youth to complete the online child attending school forms through the DCS website:

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http://www.oregonchildsupport.gov/services/pages/child_attending_school.aspx.
The youth is responsible for completing the forms.

I. Exemptions

The child support coordinator may review requests for exemptions from the enforcement or establishment of a child support obligation.

1. A youth's JPPO or treatment manager may contact the OYA child support coordinator regarding possible child support obligation exemptions in cases that may meet the criteria listed in paragraph 4 or 5 below.
2. If the child support coordinator determines that the case meets the criteria listed in section 4 or 5 below, the JPPO or treatment manager will refer the youth's parent(s) to the child support coordinator.
3. The child support coordinator will complete and submit form YA 1005 (Request for Exemption from Child Support) and a recommendation for approval or denial to the OYA community resource manager.
4. The OYA community resource manager may approve or deny exemptions under these circumstances:
 - a) Adoption of the youth through a government agency;
 - b) Grandparents or other family who have adopted the youth;
or

c) Parental rights have been terminated prior to the youth's commitment to OYA.

5. Only the OYA director or the director's designee, on a case-by-case basis, may approve or deny exemptions when the youth's offense conduct includes person-to-person victimization of an immediate family member.

6. The child support coordinator will notify DCS of the exemption request approval or denial. The child support coordinator will upload a scan of the completed YA 1005 into the youth's JJIS imported documents, and retain the original form.

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V. LOCAL OPERATING PROTOCOL REQUIRED: NO