

SUPPORT FOR ADULT CHILDREN ATTENDING SCHOOL:

Notice to Parents and Adult Children

Oregon is one of the few states that allow the court to require divorced or separated parents to pay child support for 18, 19, and 20 year old children who are attending school or training programs. This law applies to never-married parents as well as to married-but-divorcing parents. The law exists because Oregon legislators believe it is important to address the issue of a continuing education for a child who does not benefit from decisions made by an intact family. For more information, refer to [ORS 107.108](#).

1. Which Adult Children Qualify

The Court (or state Child Support Program) can order support for an adult child when a case involving a child support claim has been filed and *all of* the following is true about the adult child who:

- Is unmarried;
- Is 18, 19, or 20 years old;
- Is making satisfactory academic progress, according to the school or program;
- 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.

If the adult child's school is on a regularly scheduled summer or other break but the child intends to attend school the *next* scheduled term and carry then at least a one-half course load, the court can order child support to continue through that break and into the next term (and beyond, if continued attendance is planned).

2. How is the Amount of Support Determined

The amount of support, if any, is determined by considering many factors, including the following:

- The incomes of both parents;
- The existence and needs of minor children the parents may have, either jointly or from other relationships;
- Health care costs of the adult child and any other minor children involved; and

- Other circumstances affecting the resources or needs of the adult child, parents, or minor children.

The support is not intended to meet all the financial needs of an adult child in school or training.

The ordered support, if any, may supplement other resources the adult child may have. The law does not require parents to pay all tuition and related costs to the college of a child's choice.

Parents and the adult child *agreeing* on an appropriate amount of support for the college years is the best solution, but if both parents and the adult child do not agree, the court will decide.

One or both of the parents could be ordered to pay support. Unless the court finds good cause for the support to be paid in another manner, the court must require that support for an adult child in school be paid directly to the adult child.

If child support for an adult child attending school is paid through the Division of Child Support (DCS) of the Oregon Department of Justice, information about reporting requirements and other rules is available on the DCS website at www.oregonchildsupport.gov.

3. What are the Adult Child's Rights to Participate in the Legal Case

Because an 18, 19, or 20 year old child may have an interest in the support part of the case that has been filed, the law entitles that adult child to participate in that part of the case. This means that an adult child is entitled to NOTICE of each parents' position about child support and the RIGHT TO PARTICIPATE in any hearings or other proceedings about the child support issue. The Court will treat the adult child the same way the Court treats a parent in listening to what each says on this issue, even if the child's position disagrees with the parent's. The adult child may hire a lawyer if the child wants to take that step and can afford to do so. The law does not require a court-appointed lawyer for a parent or adult child on this issue.

The adult child can waive (give up) his or her right to participate in the legal proceedings by signing a waiver such as the one provided with this notice. The child is free to *not* sign a waiver and instead participate in the legal proceedings if the child wishes to do so.

In the Matter of the Marriage of:

ACKNOWLEDGMENT OF SERVICE and
WAIVER OF PARTICIPATION BY ADULT
CHILD WHO IS A PARTY TO THE ACTION

AckServWvAppearChildVer01.doc (6/2011)

4. **I DO NOT WANT TO PARTICIPATE IN THE LEGAL PROCEEDINGS** that will determine whether and how much one or both of my parents should pay for my support.
5. I understand that my interests may not be the same as one or both of my parents. I know that if any of my parents has an attorney, that attorney represents the interests only of that parent, not my interests. I understand that I can hire my own attorney to represent my own interests.
6. I am not in the military service.
7. I am not incapacitated in a manner that limits my ability to handle my own affairs. No court has appointed a guardian or conservator to protect me or my property.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Dated this _____ day of _____, 20 ____.

Signature

Print Name

Address or Contact Address

City, State, Zip

Telephone or Contact Telephone

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In the Matter of:	)	Case No.: _____
_____	)	
☐ Petitioner ☐ Co-Petitioner,	)	
and	)	
_____	)	
☐ Respondent ☐ Co-Petitioner.	)	
_____	)	
☐ Child At Least 18 But Under 21	)	

The information below is about: ☐ Petitioner ☐ Respondent ☐ Co-Petitioner: _____

☐ Child At Least 18 But Under 21: _____

☐ Other: _____

Name (Last, First, Middle): _____

Former Legal Name (s) (if applicable):
Date of Birth:
Social Security Number:
Driver License (Number and State):
Employer's Name, Address, and Telephone Number:

Children's Names (Last, First, Middle)

Date of Birth

Social Security No.

Please attach an additional sheet if there are more than five children involved in the proceeding.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Date: _____

Signature: _____

Type or Print Name: _____

COMPLETED AND SUBMITTED BY:

☐ Petitioner ☐ Respondent ☐ Co-Petitioner: _____

☐ Child who is at least 18 and under 21: _____

☐ Other: _____

NOTE TO COURT STAFF: Unless ordered or authorized under UTCR 2.130, this Confidential Information Form is not available to the opposing party or his/her attorney, or to the public; except for the state.