

Department of Administrative Services, Oregon  
Educators Benefit Board  
Division 10  
Policy and Definitions

OAR 111-010-0015

(8) "Dependent child" means and includes the following:

(a) A biological child of, an adopted child of, or a child placed for adoption with the eligible employee, spouse, or domestic partner; or

(b) A legal ward by court decree, a dependent by Affidavit of Dependency, or is under legal guardianship of the eligible employee, spouse or domestic partner, and is living in the home of the eligible employee.

(c) The child must not qualify as any other person's dependent child, except that a child of divorced or separated parents meeting conditions under IRC 152(e) can be treated as a dependent of both parents; and must meet the following criteria:

(A) Is not married and does not have a domestic partner; and

(B) Is under the age of 19 at the end of the calendar year; or

(C) Meets the IRC 152 definition of a dependent child between the ages of 19 and up to age 26 and is:

(i) Attending school full time, excluding foreign students; or

(ii) ***Living in the home of the eligible employee*** over six months of the calendar year, ***and*** the eligible employee provides over half the yearly support; or

(iii) Incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability.

(D) Is age 26 or older, and is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability; and

(i) The disability existed prior to attaining age 26; and

(ii) The child has had continuous medical insurance coverage, group or individual, prior to attaining age 26 and until the time of the OEGB insurance effective date.

This is a new interpretation of a dependent child receiving over half the yearly support.