

**2011 Guidelines Review**  
**Child Support Guidelines Advisory Committee**  
Thursday, April 28, 2011, 9 a.m. to Noon  
**Capitol City Business Center, 4600 25<sup>th</sup> Ave., Salem, OR 97301**

**Meeting Summary**

**Facilitator:** Kate Richardson

**Scribe:** Susan Baker

**In attendance (members):** Claire Anderson, Donna Brann, Lisa Buss, Vonda Daniels, Chris Eggert, Kelly Evans, Professor Kathy Graham, Laurie Hart, Dee Anna Hassanpour, Martin Herbest, Jack Lundeen, Shelly Matthys, Carol Anne McFarland, Mike Ritchey, Linda Scher, Robin Selig, Carl Stecker, Judge Susan Tripp, and Brenda Wilson.

**(Support Staff):** Barb Bellek, Debbie Burge, Jeremy Gibons, Tom Hedberg, Vince Hill, Julie McNeal, Melissa (and Carson) Park.

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<b>Minutes Review and Approval</b>	Kate Richardson
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The minutes of March 31, 2011, were reviewed and minor corrections were noted. By consensus, the committee adopted the minutes with changes.

<b>Workgroups</b>	Kate Richardson
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After identifying the members' workgroup preferences, the assignments were made and distributed by email and posted in Basecamp. If you are not on a particular workgroup and would like to contribute to the work of that group, please feel free to talk to the designated lead of that workgroup. Workgroups were set up on a rolling basis so that at any given time, two workgroups would be actively meeting. Please use Basecamp for meeting coordination, logistics, messages, and general file location. The more notes and discussion the workgroups post on Basecamp, the more helpful it will be to the entire committee. Please do not be shy about putting things out on Basecamp.

Workgroup expectation and reports: Workgroups will have their initial discussion through the topic discussion in the full committee meeting. After that, the workgroup lead is responsible for setting additional workgroup sessions, either in person or by teleconference. The Department of Justice, Division of Child Support (DCS) has set aside two meeting rooms at CCBC on the afternoon of the full committee meeting days. The meeting rooms are available from noon to 4:00 p.m. DCS also has an AT & T Conference Line available for use as needed. Please contact Susan to arrange for that.

The workgroups will meet over two months, and then report their findings and recommendations to the full committee. The workgroup product at that time does not need to be in formal report form (Program staff can assist in subsequent editing and lay-out), but it should be in writing. The findings and recommendations can be unanimous, consensus, or reflecting majority and minority recommendations. It is up to the workgroup to post documents to Basecamp, bring the documents to the meetings, etc.

Note: After the break, Kate Richardson announced a change in the workgroup lead for the Child Attending School workgroup from Linda Scher to Jack Lundeen. Linda will remain as a member on the workgroup.

<b>Medical Support Workgroup Update</b>	Carl Stecker
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Oregon has used “medical support” as an umbrella term for cash medical support and health care coverage for kids. Cash medical support was developed as a method to attempt recovery of some costs of publicly funded coverage. In Oregon, 340,000 children receive publicly funded health care coverage. The new guidelines scheme in January 2010 determined the cash medical support amount, as a percentage of income. Oregon has the ability to use *contingent* medical support provisions, so the State can turn cash medical on and off when health insurance availability changes.

One problem is that a cash medical support amount based on a percentage of income does not recognize the actual cost of medical insurance. We want to revisit this issue and take the opportunity to find a device to determine cash medical based on actual cost of providing health care coverage or of health care expenses. Cash medical cannot go away, but it is a mystery to the parties and even their attorneys, and we want to make it more transparent.

There are eight issues identified to review, one of which is the ORS 107.106 sharing of unreimbursed expenditures. Many divorce judgments have written in a 50/50 sharing clause or sharing proportional to income. The guidelines do not work well for the low-income families, however, who may not have the means to pay these costs.

Another issue is how to accommodate the desire of the families to mediate and develop a plan that works for them. Federal law requires an “alternative income-based numeric standard” only to cap costs and keep them reasonable but does not require the party’s share be determined by their income.

Our workgroup is working from the outline given in the March 31 meeting (see notebooks under 2011 Issues).

There are notes and files posted on Basecamp for everyone to review. One of these documents is from Vonda Daniels, listing four of the plans that the Department of Human Services uses to determine medical support. There are at least 23 programs to choose from; listed are the four most often used.

Handout: [Child Support Worksheet Examples](#) (on Basecamp)

The support worksheet is the guidelines in action. We will review three scenarios: middle-, low-, and higher-income families.

The Cleavers, a middle-income family: Calculating gross income, Ward has an additional child credit that when adjusted both parents incomes are similar. Basic support costs are increased when the parents share time with the child at 25% or greater. Under the section labeled “Child Care Costs,” after subtracting credits and dividing by expenses, the numbers will be mirrored images of each other in 4(i).

Section 7 – Medical Support: The guidelines prioritize cash support over medical support in order to get more support to families. Section 8 – Cash child support after minimum order is taken from line 6c, and applies the \$100 presumptive minimum order when appropriate.

The summary does not actually say if there is health care coverage today.

Carl Stecker: The child’s own disability benefit does not go into this calculation any way. The Social Security benefit is not used to calculate child support at all.

The Flintstones, a low-income family: Both parents are imputed minimum wage income of \$1473.33. Fred is given an additional child deduction which lowers his income more. There is no shared parenting time, which makes the percentages zero for both parents.

Section 6a – the obligor has \$107.33 available for support, all of which is used for cash child support. This means that in section 7, there is no income remaining. Medical support would be zero regardless as neither parent can be ordered to pay medical support due to their low income.

The Simpsons, a higher-income family: In this case, Marge has slightly more parenting time than does Homer does, but significantly more income. As a result, in section 6, Marge has become the obligor. A further anomaly is that she is required to shoulder the entire medical support burden. Because Homer is the obligee, he is not required to contribute to the children’s insurance premium, despite having plenty of available income.

We need to be looking at the relationships between the issues before us. As you work through the issues related to your sub committee’s topic, remember to evaluate how your responsibility relates to the issues being reviewed by the other sub committees.

Examples include: child care coverage and self support issues, parenting time and health care coverage, and how they will work together in a calculation of child support.

We are a diverse group as an example of considering all possibilities it is good to have the feedback from the private bar and other stakeholders on the difficulties of using the calculator. Many in the Program do not have the perspective self-represented parties and private attorneys can share with us. It is especially helpful to hear about the struggles they have with the calculator.

Keep in mind that we need to have an understanding on how our recommendation will be understood by all practitioners and parties. Our goal is to break down all the pieces and put it back together, creating a concise, clear, guidelines and calculation.

## **Issue #2 Discussion: Parenting Time**

Vince Hill & Tom Hedberg

The calculations for parenting time, sole, split, and shared, evolved over time reflecting cultural shifts in parenting plans.

We have not always had an easy time in calculating the parenting time. At what percentage of parenting time should the credit time start? 20% or 25%?

The other variable we could look at is how other states are calculating the credit. Many use a similar 1.5 multiplier; others use different multipliers depending on the amount of parenting time. Others start at higher threshold such as 35% before applying the credit.

When parenting time is shared there are expenses in both households for taking care of the child, some of which are duplicated. One way to account for this added expense would be the use of the multiplier in the calculation. The theory/basis was we would take the amount of parenting time and multiply it by 1.5 to reach the true cost of maintaining a child. The 1.5 multiplier is applied to the obligation. Currently, only Idaho is using the multiplier when the parenting time is close to 50%.

In our current calculation there are times the custodial parent will become the obligated party, many states do not allow this “flip” to occur. A question before the sub committee would be; once the identification of the obligor is made, do you want to allow the “flip” or maintain the identified obligor regardless of the calculation outcome.

Most states do not use a variable multiplier; our question is when to start using it. We could have a variable multiplier that is proportion to the parenting time. This would be more representative of the time the parent was spending with the child. Can the credit percentage be set a position in relationship to a multiplier that would allow for a gradual credit removing the current “bumps”? We would need to plot the multiplier and the parentage credit in order to best establish how they would effect a calculation of support.

Our guidelines have not taken the age of the child into consideration. There are a few states that do.

There are two rooms scheduled this afternoon for workgroups:  
Grand Canyon Conference Room from Noon to 4 PM for the Medical Support Workgroup, and  
Rogue Conference Room from 1:00 to 4:00 PM for the Parenting Time Workgroup.

### **For Next Meeting**

- Please review the comments and issues raised by others about the child attending school (see 2011 issues tab in your notebook).
- Review the findings from the Medical Support workgroup and develop preliminary proposals.