

**2011 Guidelines Review**  
**Child Support Guidelines Advisory Committee**  
Thursday, May 26, 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

**Members in attendance:** Claire Anderson, Lisa Buss, Vonda Daniels, Chris Eggert, Kelly Evans, Jean Fogarty, Laurie Hart, Martin Herbest, Jack Lundeen, Shelly Matthys, Carol Anne McFarland, Mike Ritchey, Linda Scher, Robin Selig, Carl Stecker, Judge Susan Tripp, Brenda Wilson, and Monica Whitaker (for Donna Brann).

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

<b>Minutes Review and Approval</b>	Kate Richardson
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The minutes of April 28, 2011, were reviewed and minor corrections were noted. By consensus, the committee adopted the minutes with the changes.

Concetta Schwesinger and Monica Whitaker were introduced to the committee.

<b>Parenting Time Credit Workgroup Update</b>	Kelly Evans
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Last month the parenting time workgroup discussed parenting time credit issues outlined in the Guidelines issues sheet. Of the eight issues, most of the time was spent on the 25% parenting time credit threshold. One of the ideas was to institute a credit starting at zero and moving up by increments. This would eliminate the disagreements regarding how many overnight stays with the non-custodial parent increase the credit time from 25% to 26%.

Vince Hill walked through the proposed parenting time credit graphs, demonstrating a comparison of the current method to the proposed formula, with and without a basic support multiplier of either 1.5 or graduated amounts.

The 1.5 multiplier currently in use is based on economic data showing that the cost of raising a child in two households is greater than in one household. It is applied to the basic support amount. The net effect, assuming equal parental incomes, is to leave an additional 50% income in the household of the parent with greater parenting time. The exact impact varies from family to family as a function of income and parenting shares.

As we experiment with using a formula for the parenting time credit, we are beginning to suspect that the flexibility in that formula allows us to achieve the same net outcome in the child support transfer payment without the complexity of applying a separate multiplier. In fact, tests of the multiplier in conjunction with the formula-based parenting time credit reveal that the two are

redundant and that continued use of the multiplier actually results in support increasing with parenting time before it decreases, an outcome the committee will surely find unacceptable.

<b>Medical Support Workgroup</b>	Carl Stecker
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Carl Stecker started by thanking the workgroup members: Vonda Daniels, Chris Eggert, Mike Ritchey, Linda Scher, Tom Hedberg, and Barb Bellek. The workgroup met 3 times outside of the full committee, working off the 2011 Guideline Issues paper, which had 11 issues to address for medical support. For the workgroup's full report, see [2011 Child Support Guidelines Sub Committee on Medical Support Issues Review](#)

*1. Cash medical support amounts are not based on actual medical expenses.*

There was a question of where the cap should fall. 4% may not be adequate. The workgroup did talk about prorating of an aggregate figure amount using a 7% cap for both parties. The workgroup would like to model is a range of values that are tied to the income levels. When the value gets into the higher income levels, 4% is not an unreasonable amount.

*2. Health insurance costs are no longer shared between the parties.*

The workgroup has provided several models for discussion (see handouts or Basecamp). There is not a way to determine the cost in advance when using public health care. If a public health care program is chosen, there are 26 different programs and different costs. To get around this, there could be two models. One model would be a two tier plan and the other model would be to develop a table of median costs with some degree of subsidy for actual costs.

*3. How can we ensure that contingent medical support helps avoid unneeded legal actions while maintaining clarity and minimizing workload?*

The workgroup believes there is a need for clarity in both the calculation and in the worksheets.

*4. Appropriateness of presumptive cash medical payment becomes questionable when parenting time is close, equal, or split, especially when the parent with more parenting time is the obligor by virtue of having a greater income.*

If cash medical support is based on actual costs this would not be an issue.

*5. Should contingent cash medical stop if the obligor chooses to provide more expensive coverage?*

Yes.

*6. What should the amount of the presumptive cash medical support amount be?*

The workgroup suggested that:

- Medical expenses are considered in determining the cash medical obligation; if the expenses are less than the reasonable in cost cap the calculation should be based on that amount, not the full cap amount.
- Medical expenses are prorated between the parties.

7. *Tribal health coverage is not specifically addressed in statute or rule.*

Tribal health care coverage meets the requirement to provide coverage, and the providing parent should not be ordered to also pay cash medical support.

8. *How should provisions for division of un-reimbursed expenses be addressed in guideline rule?*

The workgroup felt that to recognize existing ORS 107.106 provisions, the administrative support order, and possibly the Oregon Judicial Department's forms for self-represented parties should be revised to include a statement something like "This modification does not change any preexisting obligation for the parties to share uninsured medical expenses. However any cash medical support paid under this order could be used to help satisfy a party's obligation to pay uninsured medical expenses".

9. *The appearance of a cash medical amount for the obligee in the worksheet...*

The workgroup felt that both parties need to understand that the first \$250 is included in the basic support amount, and then the parents start sharing the expenses.

10. *Clarify in medial support rule that the 4% or greater amount for the cap is applicable to the premium cost for the child only, and does not include the parent's portion of the premium.*

The workgroup agreed that this should be clarified.

11. *Should unsubsidized Healthy Kids be treated as private insurance?*

Is there a federal expectation that we will recoup this money? What portion, the subsidy, or the premium cost on a sliding scale?

<b>Issue #3 Child Attending School</b>	Tom Hedberg
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Oregon's Child Attending School (CAS) statute, ORS 107.108, is unique. Other states will order emancipation, set the age limit to 25 years, or can prove college attendance. Most states stop support at 18, some provide for continued support for those in high school up to 19. See Child Attending School Discussion Points (handout).

The program has wrestled with CAS for years. For several years we operated under two different versions of ORS 107.108. CAS administration remains a very high maintenance activity. We have tried putting CAS into the calculator, but it was complex and did not work well.

Our guidelines are based on the average expenses of raising children ages up to 17 years old, not adults. One important variable is where the child lives. Rebuttals are often difficult to apply when the child does not live with either parent, and just doing the math can be complex. It is not easy to modify the orders, when the child moves between parents or living outside either party's house.

It is difficult to create a simple support calculation that does not include crediting the CAS obligation with either costs or credit intended for the minor children.

The [2011 Guideline Issues](#) document describes three key CAS issues and one proposed solution:

- It's not always clear how to compute support when there is a child attending school.

- In many cases, the pro rata guideline support result is inappropriate when there are both minor children and CAS
- Application of parenting time to CAS is inappropriate and produces inequitable results, including no support amount for the obligee.
- One practitioner suggests a separate calculation method for children attending school, based not on parental ability to pay but on the student's needs

The workgroup suggested tiered orders with prospective support for adult children who do not qualify as a CAS but may in the future (as some members of this generation do not attend college immediately after high school, but enroll later.)

### **Roundtable**

*Kate Richardson*

It might behoove the workgroup for the Worksheets and Calculator to start now. Some of the issues raised seem to start from the worksheets and calculator.

*Kate Richardson*

Workgroups can have conference calls to start tackling issues. Individuals in the work groups will hear from the lead in regards to when a meeting will be set up. Leads can contact Susan Baker to set up the telephone conference calls.

*Kate Richardson*

Some are expressing issues with Basecamp, is the process intimidating or do we require more training?

Jeremy Gibbons signed into Basecamp and gave a walk-through to the members on several key screens and shortcuts.

### **For the Next Meeting**

- Please review the comments and issues raised about the Child Attending School Calculation.
- Please review the findings from the Parenting Time Credit workgroup and develop preliminary proposals.

The next meeting is scheduled for June 30, 2011.