

2011 Guidelines Review
Child Support Guidelines Advisory Committee
Thursday, September 29, 2011, 9 AM to Noon, Siuslaw Conference Room
Capitol City Business Center, 4600 25th Ave. Ste 180, Salem, OR 97301

MINUTES

FACILITATOR: Kate Cooper Richardson

MINUTES: Susan Baker

Members in attendance: Donna Brann, Lisa Buss, Jennifer Chapman, Vonda Daniels, Chris Eggert, Kelly Evans, Jean Fogarty, Laurie Hart, Martin Herbest, Jack Lundeen, Shelly Matthys, Carol Anne McFarland, Mike Ritchey, Linda Scher, Concetta Schwesinger, Carl Stecker, and Brenda Wilson.

Support Staff: Barb Bellek, Jeremy Gibons, Tom Hedberg, Vince Hill, Lorrin King, Julie McNeal, and Melissa Park.

Absent: Claire Anderson, Professor Kathy Graham, Judge Susan Tripp, Vince Hill, Robin Selig, and Jonathan Ramberg.

Minutes Review and Approval	Kate Cooper Richardson
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The committee reviewed and approved the minutes of the August 25, 2011 meeting with corrections.

Child Attending School Workgroup Update	Jack Lundeen
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Workgroup is trying to establish whether it is feasible to calculate the child attending school (CAS) separately from the minor children in the household. A draft worksheet has been prepared for the workgroup's review, based on the workgroup recommendations.

The underlying worksheet includes more lines and is more complex; however, the calculation is largely transparent when using the calculator. Users will have to indicate the minor children and CAS separately, but will not have to enter parenting time for CAS. The calculator will produce a completed worksheet, including separate amounts for the minors and CAS. Remember our parameters: fair awards, keeping the rules understandable, and outcomes that are enforceable but not complex.

The calculation determines the basic support amount for all the children, and then adjusts the minor children's portion for parenting time and day care. Any remaining available income can be allocated to the child attending school's portion this works similarly to the prioritization of cash support over medical support in the current guidelines. We will need to see what results this produces in various scenarios

Income Work Group Update

Brenda Wilson

The workgroup addressed issues on the income list by severity of the problem, level of policy discussion needed, and implementation impact. We came up with resolutions for the simpler issues and are looking at the larger issues.

It should be possible to look at actual work history when determining income, rather than the strict imputation requirements now in place. We should be able to compute income based on work history, rather than assuming everyone has the opportunity to work 40 hours.

In many cases, practitioners do not include the basis for the income determination in the order findings, so when a parent requests a modification, it is difficult to determine whether there has been a substantial change in circumstance.

In light of the prevailing lack of employment opportunities at the moment, conventional methods of calculating wages, particularly the full-time work assumption, are less useful. Example: Many electricians are not working 40 hours per week, because there is not enough work available.

Miscellaneous Work Group Update
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Brenda Wilson

The workgroup recommends that targeted commentary be added to the guidelines and be available with the rules on the CSP website (make apparent), and include background and helpful hints to assist all users in understanding the rules.

For rebuttals, the workgroup recommended enhanced documentation by the Child Support Program and the Bar of rebuttal use. Commentary for rebuttals should be written with the self-represented party in mind. Rebuttals need to be clearly documented both in the calculation of support and in a summary of the calculation.

The workgroup also recommends maintaining the exclusion of extracurricular expenses from rebuttals. Commentary should be added.

It was recommended that “extraordinary or diminished” not be removed from the “needs of the child” criterion.

On child care, the recommendation is to allow for actual out-of-pocket costs with a cap and option for rebuttal; refer to tax code for child care definition; add commentary to explain the tax credits, and: add “caretaker” to OAR 137-050-0735(2): “costs can be incurred by either parent **or by a caretaker**”.

The Department of Human Services’ child care subsidy would change if the obligee received more or less support amount. That could result in an increased demand for modifications.

Can we simplify rebuttals? Has anyone thought about discontinuing rebuttal calculations? Instead, could we use language to the effect of “the guideline amount is X, but it is unjust or inappropriate,” with appropriate findings?

Federal regulations require that we track rebuttal use and consider whether to incorporate frequent rebuttals in the next guidelines review. Maintaining the rebuttal types and automation would help us do that at least for Child Support Program cases.

Issue #6 Worksheets and Calculators	Mike Ritchey & Jeremy Gibons
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The worksheets and calculator are the public face of the Child Support Guidelines. Judges, attorneys, program staff, and parents all use the calculator and worksheets. It is important those tools be understandable and easy to use while on the other maintaining flexibility for those users' varied needs.

We have attempted to meet those competing objectives with a format that provides the user choices. For example, the Internal Revenue Service provides both the 1040A short form and the 1040 long form. The choice of form is depends on the user's priorities: ease of use or flexibility and maximum benefit.

We can make the user interface as easy or as flexible as needed. Ideally we would provide both expert and the novice user interfaces or front ends – each of which uses the same behind-the-scenes programming

The draft medical support worksheet module is under review by the medical support and worksheets and calculator groups. We need to finish drafting the worksheet in order to build the draft calculator, which in turn we need to model the policy choices.

For a self-represented parent to use, the calculator, it should be simple and straightforward. For example, if the user tells the calculator there are three children, the calculator should provide spaces for three names to be entered. Potentially, depending on how heavily we are able to invest in the technology, the calculator could be programmed to show a running total of the support obligation, as some tax software does.

Remember, there is a user-friendly Excel version available at oregonchildsupport.gov.

The draft worksheets implementing the parenting time credit, the medical support proposals, and the child attending school proposal were presented.

Currently the worksheet does not allow the user to remove cash medical support from the summary page. Will that change?

The first draft was presented with the attempt to put the recommendation from the Medical Support workgroup into worksheet form. The first section allows the user to enter each parent's premium cost and extraordinary expenses. The worksheet then determines whether insurance and

expenses are reasonable in cost, protecting available income and the self-support reserve. Finally, the worksheet divides the cost between the parents.

A key piece of the medical support draft worksheet is the “combined” column used to assess reasonable cost. The cost-sharing section has identified errors that need to be resolved at a later date.

This section is designed to add each parent’s medical support obligation, based on the parent’s income share of the premium costs and expenses, and add it to the obligation. It then subtracts out the parent’s out-of-pocket costs at line 7m. The net result is generally a reduction in support for a parent paying out of pocket and a larger support obligation for the other parent.

The draft medical support worksheet module can support dual premiums. If the user enters both, the costs will be assessed for reasonableness and if appropriate divided between the parents.

There needs to be more explanation or education on extraordinary medical costs. We used to say that parents would share expenses above the cap, such as a broken arm. Anything above the \$250 per child and the expenses would be shared with income pro-rata. Why are we including extraordinary expenses now? Cash medical was to cover the predictable cost of the cash premium. Now you have to predict what the costs will be.

The work group reasoning for including it was to cover the cost of orthodontia, counseling, and other current medical expenses. If you have any money left over after paying the premiums, what do you apply it to? Do you apply it to the orthodontist or to an emergency room bill? There is no problem enforcing cash medical support, but after the judgment when other costs occur, it may be more difficult to enforce a provision for dividing expenses between the parents.

Is there a general feeling that people are looking for more pop-up options, summary of information in one place, and more information for users? There has been discussion on more pop-ups for information. A summary in words of what the results are, including all the assumptions, and the final support amount, either to be found at the beginning or the end.

The summary page ought to have some sort of disclaimer that it is not part of the order unless specifically incorporated. There is some confusion that the worksheets are the order. Something needs to state on the calculator that it is not the final order for support. Currently there is such a disclaimer on the Excel version and it should be on the calculator.

Round Table (All)

Discussed the possibility of changing the meeting date in December 2011 or canceling the meeting altogether. After a brief discussion the committee decided to postpone the December 2011 meeting to January 5, 2012, and therefore meet twice in January 2012.

Workgroups meeting this afternoon:

12:30 to 4:00 PM: Worksheets and Calculators in the Siuslaw Conference Room.