



Ohio's Child Support Guidelines Council Report

March 2005

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Bob Taft
Governor



Barbara Riley
Director

30 East Broad Street · Columbus, Ohio 43215-3414
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March 1, 2005

Ms. Barbara Riley, Director
Ohio Department of Job and Family Services
30 East Broad Street, 32nd Floor
Columbus, Ohio 43215

Dear Director Riley:

In this report we are presenting the recommendations resulting from the 2005 Child Support Guidelines Council.

This report reflects the efforts of the Council, which the Ohio Department of Job and Family Services is required to establish pursuant to Section 3113.215 (G) of the Ohio Revised Code for the purpose of determining whether child support orders issued in accordance with the Guidelines Schedule and Worksheet adequately provide for the needs of children subject to the orders.

In submitting this report, we would like to extend our appreciation for the collaborative efforts the Council has put forth. Through their hard work the council was able to vote through 14 recommendations. During this process the council debated several controversial issues; and through the combined efforts of everyone involved, we were able to work our way through our differences and complete many important decisions and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "China Widener".

China Widener
Chair,
2005 Child Support Guidelines Council

A handwritten signature in black ink, appearing to read "Jason Smith".

Jason Smith
Co-Chair,
2005 Child Support Guidelines Council

2005 Child Support Guidelines Council Roster

Kara Bertke, Project Manager
Ohio Department of Job and Family Services

Anthony Bond, Director
Steven Wyler
Franklin County Child Support Enforcement Agency

Kim Newsom Bridges, Executive Director

Rod Hamilton
Ohio CSEA Director's Association (OCDA)

Daniel S. Cade, Executive Director

Rod Hamilton
Butler Co. Child Support Enforcement Agency

The Honorable **William J. Corzine**

John DiCesare
Ross County Common Pleas Court

Magistrate **Odella Lampkin Crafter**
Franklin County Court of Common Pleas
Domestic Relations Division – Juvenile Branch

The Honorable **Mark Dann**

Magistrate John Pico
Ohio Senate

David Fleischman

Susan DeVol
ODJFS Office of Child Support

Bob Frankart

Dave Robertson
ODJFS Office of Legal Services

The Honorable **Mike Gilb**
Ohio House of Representatives

The Honorable **Sandra Harwood**

Larry Tripodi
Ohio House of Representatives

Donald Hubin*
Parents and Children for Equality (PACE)

Mark Inzetta
PACE Columbus Chapter

The Honorable **James Jordan**
Ohio Senate

Debbie Kline
Association for Child Enforcement Support (ACES)

Loreatha Young

The Honorable **Paulette J. Lilly**

Jody Barilla
Loraine County Juvenile Court
Loraine Co. Juvenile Administrative Building

Magistrate **Richard A. Meyer**
Jeanne Fritz
Champaign County Common Pleas Court

The Honorable **Judith Nicely**, retired judge
Judge **Mary Kovack**

Pat Pekar, Administrator
Rod Hamilton
Scioto Co. Child Support Enforcement Agency

The Honorable **Linda Reidelbach**
Ohio House of Representatives

Mike Smalz, Esquire

Eugene King
Ohio State Legal Services Association

Jason Smith, Legislative Liaison
Ohio Department of Job and Family Services

The Honorable **Robert Spada**
Ohio Senate

Barbara Stafford, Assistant Deputy Director
Sarah Cooper
ODJFS Office of Child Support

Thomas P. Taggart, Esq.

China Widener, Assistant Director
Ohio Department of Job and Family Services

*Sent letter of resignation on 11/23/04



Executive Summary

Executive Summary

Purpose of Child Support Guidelines Council

The Ohio Department of Job and Family Services is required by the Ohio Revised Code (ORC 3119.021) to review Ohio's basic child support schedule every four years to determine whether child support orders issued in accordance with the schedule and worksheets adequately provide for the needs of the children who are subject to the child support orders. It is required to prepare a report of its review and submit a copy of the report to both houses of the general assembly.

For each four-year review, the department is required to establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. The department is required to consider input from the council prior to the completion of the report to the general assembly.

Members Determined by ORC 3119.02.4

The Department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of:

- Obligor
- Obligees
- Judges of Courts of Common Pleas who have jurisdiction over domestic relations cases
- Attorneys whose practice includes a significant number of domestic relations cases
- Representatives of child support enforcement agencies
- Other persons interested in the welfare of children
- three members of the Senate appointed by the President of the Senate (no more than two from the same party)
- three members of the House of Representatives appointed by the Speaker of the House
- (no more than two from the same party)

Child Support Guidelines History

Ohio's Child Support Guidelines Council is now regulated and required by Ohio Revised Code to be established every four years. This action was taken due to Public Law 98-783 in 1987. Since then, the state of Ohio has convened their fourth Guidelines Council.

Federal

- The Federal Child Support Guidelines requirement, 42 U.S.C. 667, originated with Public Law 98-783. States were required, as a condition of State Plan approval, to establish Guidelines for Child Support award amounts effective October 1, 1987.
- Effective October 1, 1989, the Federal Family Support Act, Public Law 100-485, required all States' Guidelines to be applied as a rebuttable presumption of the amount that should be paid. The Family Support Act also required the Guidelines to be used by all support setting entities. The same law established the requirement for State review of the Guidelines every four years. This legislation also established the requirement to review individual orders every three years.

Ohio

- Ohio's first Guidelines were issued as a rule (no. 75) of the Ohio Supreme Court on October 1, 1987.

Executive Summary

- House Bill 591, 1990, 118th General Assembly, enacted the Guidelines into law by creating Section 3113.215 of the Revised Code.
- The **first** Guidelines Council was convened in February 1991. Their work concluded with the required report of the General Assembly in March 1993. The recommendations were enacted in Senate Bill 115, which became effective October 13, 1993, 120th General Assembly.
- The **second** Guidelines Council met throughout 1996 into early 1997 and submitted its mandated report to the General Assembly on March 1, 1997. The recommendations were proposed in SB 216, sponsored by Senator Merle Kearns, which did not pass before the General Assembly adjourned in 1998. Senator Kearns introduced a new bill, Senate Bill 180 on August 31, 1999. Senate Bill 180, which included several of the Council's recommendations, was passed by the General Assembly in December 2000, signed by Governor Taft on December 21, 2000, and was made effective March 22, 2001.
- The **third** Guidelines Council held its first meeting in October 1999. The Council met every month and occasionally several times a month throughout 1999 and 2000. The final Council meeting was held in January 2001, at which time the Council adopted its recommendations.

2005 Guidelines Council Subcommittee Members and Topics

The full council decided to divide into three subcommittees. The subcommittees were charged with focusing on several topics which were predetermined by the full council. The members of each subcommittee were determined on a volunteer basis. Each subcommittee held separate meetings where they debated and discussed issues assigned to their group. Subcommittee's voted on recommendations to present to the full council for approval.

Deviations Subcommittee

Chair: Jason Smith/Rich Bitonte

Members: Kim Newsom Bridges, Judge Judy Nicely (alternate Judge Mary Kovack), Richard Meyer, Don Hubin, Tony Bond, Judge Paulette Lilly, Debbie Kline, Judge Jhan Corzine, Mike Smalz, Susan McKinley

Subcommittee Charge: To review the 16 deviation factors currently contained in the Ohio Revised Code to determine whether any of them should be eliminated or incorporated into the worksheet calculation of the actual annual obligation. (A 'deviation factor' is defined as any factor causing the amount of a child support order to be adjusted upward or downward from the guideline child support calculation.)

Topics

1. Parenting time adjustment
2. How shared parenting cases are handled
3. Multiple families
4. Review of deviation factors, including, but not limited to:
 - a. medical premiums
 - b. child care costs
 - c. in-kind presumptions
 - d. reasons to lower income
 - e. military deployment
5. Tax allocations - how to handle, including
 - a. who claims child
 - b. earned income credit
 - c. tax savings

Executive Summary

Guidelines Methodology

Chair: Barbara Stafford

Members: Don Hubin, Dan Cade, Odella Lampkin Crafter, Debbie Kline, Mike Smalz, Representative Sandra Harwood

Subcommittee Charge: To consider various factors for incorporation into the model calculations, which result in the guidelines tables, using the Income Shares Model.

Topics

1. Methodologies that look at cost of raising children at various ages
2. Gross vs. net income (income bias)
3. Calculating child support for both parents in third-party cases
4. Guidelines worksheet review (summary worksheet)
5. Identification/specification of basis of assumptions that generate guideline amount
6. Cost of living adjustments
7. Low-income obligors
8. Cost presumptions

Statutory Language

Chair: David Fleischman

Members: Pat Pekar, Bob Frankart, Senator Jim Jordan, Tom Taggart, Debbie Kline, Mike Smalz, Rep. Gilb

Subcommittee Charge: To produce policy requirements detailing Council recommendations in the final guidelines report to the legislature. The policy requirements will provide clear guidance regarding the policy decisions reached by the Council to legislators.

Topics

1. Spousal support impact on guidelines calculations
2. Calculating child support in child welfare cases
3. Imputation of income - when, how, conditions
4. Post-secondary education
5. Split custody when one parent has no income
6. Three-year rule review criteria
7. Definition of child support and identification of what it is for

Report Content

In this report you will see each subcommittee's recommendations that have been approved by the full Guidelines Council. Following each recommendation is the justification given by the subcommittee, which was later adopted by the full Council for the suggested change. Also, included at the end of this report is the Council's Public Feedback Report, Deviations Study, Voting Record and the Executive Summary for the Economic Study, which was provided by Policy Studies, Inc.. The full Economic Study is available upon request. Please contact Kara Bertke at (614) 995-7138 or by email at bertkk@odjfs.state.oh.us.



2005 Council Recommendations

2005 Child Support Guidelines Council Recommendations

Statutory Language Committee

Recommendation I: Calculation of Child Support in Third-Party Custody Cases

1. Clarify how to calculate child support in third-party custody cases: When calculating child support in third-party custody cases, Ohio should delete “physical custody” from the statutory language. The following statutory language is suggested:

“If a child is residing with a third party, each of the parents should be required to pay child support to the third-party custodian in accordance with their respective child support obligations as determined in the Sole Residential Parent worksheet calculation.”

2. Re-label the existing worksheet:

“SOLE RESIDENTIAL PARENT, SHARED PARENTING, OR THIRD PARTY CUSTODIAN ORDER”

3. Add a new line 23b to the worksheet.

b. Obligation of each parent
to third-party custodian: \$ _____ \$ _____

Ohio Revised Code 2151.36 Support of child.

Except as provided in section 2151.361 [2151.36.1] of the Revised Code, when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code, the juvenile court shall issue an order pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code requiring that the parent, guardian, or person charged with the child’s support pay for the care, support, maintenance, and education of the child. The juvenile court shall order that the parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court of common pleas.

Any expenses incurred for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, and special care of a child who has a legal settlement in another county shall be at the expense of the county of legal settlement if the consent of the juvenile judge of the county of legal settlement is first obtained. When the consent is obtained, the board of county commissioners of the county in which the child has a legal settlement shall reimburse the committing court for the expenses out of its general fund. If the department of job and family services considers it to be in the best interest of any delinquent, dependent, unruly, abused, or neglected child who has a legal settlement in a foreign state or country that the child be returned to the state or country of legal settlement, the juvenile court may commit the child to the department for the child’s return to that state or country.

Any expenses ordered by the court for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, or special care of a dependent, neglected, abused, unruly, or delinquent child or of a juvenile traffic offender under this chapter or Chapter 2152. of the Revised Code, except the part of the expense that may be paid by the state or federal government or paid by the parents, guardians, or person charged with the child’s support pursuant to this section, shall be paid from the county treasury upon specifically itemized vouchers, certified to

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by the judge. The court shall not be responsible for any expenses resulting from the commitment of children to any home, public children services agency, private child placing agency, or other institution, association, or agency, unless the court authorized the expenses at the time of commitment.

HISTORY: GC ‘ 1639-34; 117 v 520; 119 v 731; 121 v 557; Bureau of Code Revision, 10-1-53; 133 v S 49 (Eff 8-13-69); 133 v H 320 (Eff 11-19-69); 136 v H 85 (Eff 11-28-75); 141 v H 428 (Eff 12-23-86); 142 v S 89 (Eff 1-1-89); 146 v H 274 (Eff 8-8-96); 148 v H 471 (Eff 7-1-2000); 148 v S 180 (Eff 3-22-2001); 148 v S 179, ‘ 3 (Eff 1-1-2002); 149 v S 27, ‘ 1, 3. Eff 3-15-2002.*

Justification: The recommendation fills a gap in the existing Ohio child support guidelines and clarifies how child support should be determined in cases of third-party physical custody.

Recommendation II: Post Secondary Education Costs (i.e. Post -majority Support)

Maintain exclusion of post-secondary education costs from child support orders: The Council reviewed whether or not to require that post-secondary education costs be included in child support orders. It determined that they should not and recommends no changes to the statute.

Justification: While the extra burden on a student trying to attend an institution of higher education who has the additional burden of having separated/divorced parents is realized, consider that there is no requirement that parents who are not separated/divorced financially support a student who wishes to attend an institution of higher education. Students should be on an equal footing, given the same opportunities, and not be favored.

Recommendation III: Institutional Care Costs

Prohibit juvenile courts from ordering child support enforcement agencies to administer and enforce payment of institutional care costs in certain circumstances:

Specifically, change ORC 2151.36 that requires a Juvenile Court to:

1. Issue an order pursuant to chapter 3119, 3121, 3123, and 3125 requiring “. . . the parent, guardian, or person charged with the child’s support [to] pay for the care, support, maintenance, and education of the child.”
2. Issue an order requiring the parent, guardian, or person to pay for “. . . the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court of common pleas”, for child that has been committed by the Juvenile Court pursuant to chapter 2151 or 2152 of the revised code.

Proposed alternative statutory language for 2151.36 and 2151.36.2 follows:

Ohio Revised Code 2151.36 Support of child

Except as provided in section 2151.361 [2151.36.1] of the Revised Code, when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code the juvenile court shall order that any parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court of common pleas, but shall not require administration or enforcement by a county child support enforcement agency.

2151.36.2

Except as provided in section 2151.361 [2151.36.1] of the Revised Code when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code the juvenile court shall issue an order pursuant to Chapters 3119., 3121, 3123., and 3125. of the child’s support pay for the care, support, maintenance, and education of the child. In issuing an order pursuant to Chapters 3119., 3121., 3123., and 3125 of the Revised Code, the juvenile court shall specifically consider the deviation factors in RC 3119.23, especially subsection.”

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Recommendation IV: Age of emancipation for duty of support in child support cases.
Revise 3119.86 by deleting the existing language in (B) and renaming the following two sections correspondingly:

(A) Notwithstanding section 3109.01 of the Revised Code, both of the following apply:

- (1) The duty of support to a child imposed pursuant to a court child support order shall continue beyond the child's eighteenth birthday only under the following circumstances:
 - (a) The child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself.
 - (b) The child's parents have agreed to continue support beyond the child's eighteenth birthday pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution.
 - (c) The child is continuously pursuing, to the end, a high school diploma pursuant to a program or activity sanctioned by state law or a home education program as described in RC 3321.04
- (2) The duty of support to a child imposed pursuant to an administrative child support order shall continue beyond the child's eighteenth birthday only if the child is continuously pursuing a high school diploma pursuant to a program or activity sanctioned by state law or a home education program as described in RC 3321.04

(B) If a court incorporates a separation agreement described in division (A)(1)(b) of this section into a decree of divorce or dissolution, the court may not require the duty of support to continue beyond the date the child's parents have agreed support should terminate.

(C) A parent ordered to pay support under a child support order shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates.

Justification: The purpose of the Age of Emancipation recommendation is to tie the statutory termination of child support obligations to current educational status rather than to a strict age threshold of 19 years. Under current law it is possible that the child support obligation for children aged 19 who have not completed their high school education, but are actively pursuing a high school diploma will be terminated. The statutory changes proposed in this recommendation will remedy this.

Recommendation V: Imputing Income

Amend R.C. 3119.05 (I) to:

Unless not imputing income would be unjust, or inappropriate, and thus not be in the best interest of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to a parent if any of the following conditions exist:

- (1) a parent is receiving means-tested public assistance benefits;
- (2) a parent is determined to be physically or mentally disabled and eligible for social security or supplemental income disability benefits by the social security administration; or is determined to be eligible for state disability assistance benefits;
- (3) unusual emotional or physical needs of a natural or adopted child prevent that parent from earning income;
- (4) the parent has made diligent efforts to find and accept employment or to return to customary self-employment, to no avail;
- (5) a parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered family reunification efforts in a child abuse, neglect, or dependency proceeding; or

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(6) the court makes a finding that other circumstances exist which make the imputation of income inequitable, provided, however, that the amount of imputed income shall be imputed only to the extent required to remove such inequity.

Justification: To provide guidance to the courts and CSEA's in deciding whether to impute income. To bring about more consistent policies across the state in addressing the issue of imputing income.

Recommendation VI: Caretaker Recommendation *The following changes to the Ohio revised code are recommended.*

1. Enumeration of Standing

It is recommended that throughout the revised code the following enumeration of persons with standing be adopted.

Parentage	Support
Child	Child
Mother	Mother
Father A man alleged to be the child's father A man alleging himself to be the child's father	Father
CSEA	CSEA
Caretaker	Caretaker

2. Caretaker Definition

It is recommended that the following definition be added to RC 3119.01:

“For purposes of RC Chapters 3111, 3115, 3119, 3121, 3123, 3125:

“**Caretaker**” means a person with whom the child resides including a person who stands in loco parentis with respect to the child for at least thirty consecutive days, or a person who is receiving public assistance on behalf of a child.”

3. Removing the Limitation of Applicability; and Redirection of the Support Obligation

RC 3119.07 should be amended as follows:

- (A) Except when the parents have split parental rights and responsibilities, a parent's child support obligation for a child for whom the parent is the residential parent and legal custodian shall be presumed to be spent on that child and shall not become part of a child support order, and a parent's child support obligation for a child for whom the parent is not the residential parent and legal custodian shall become part of a child support order.
- (B) If the parents have split parental rights and responsibilities, the child support obligations of the parents shall be offset, and the court or agency shall issue a child support order requiring the parent with the larger child support obligation to pay the net amount pursuant to the child support computation worksheet. If

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circumstances requiring redirection should arise, each parents' obligation for that child or children would then be directed to the appropriate party.

- (C) If neither parent who is the subject of a child support order has physical custody of the child and resides with a third party who is a caretaker of the child, the court or agency may issue or redirect pursuant to RC 3121.46 a child support order requiring each parent to pay that parent's child support obligation pursuant to the child support computation worksheet.

It is recommended that the current language of RC 3121.46 be amended to include a grant of discretionary authority, to the court presently exercising jurisdiction over a child and to CSEAs in the county where the child resides, to issue an order redirecting the obligor's existing child support obligation to the caretaker and to create a new child support order requiring the obligee to pay the caretaker the obligee's child support obligation that was previously established in the most recent child support guideline worksheet. In addition, the parents shall be given notification and an opportunity for a hearing.

Justification: The purpose of the caretaker recommendation is to ensure the establishment of a child support obligation against both parents of a minor child who is in the possession of a caretaker. Under current law a caretaker may be prevented from getting a child support obligation if the caretaker has not received a court ordered custody determination from the court. The statutory changes proposed in the recommendation will remedy this situation.

Methodology Subcommittee

Recommendation I: Methodology for Child Cost Estimates

Change the methodology for child cost estimates: Ohio should adopt an "actual expense" approach to calculating child rearing costs employing the U.S. Department of Agriculture estimates for family expenses in each of the categories. This recommendation also includes a provision to use marginal costs vs. per capita figures for housing, transportation and miscellaneous in a USDA based economic chart, which would be further considered for a subsequent recommendation.

Justification: The basic child support tables currently used by Ohio to estimate child rearing costs were developed by Policy Studies Inc. and are based on the Betson-Rothbarth income equivalency model. This model suffers from several serious drawbacks:

1. *It falsely assumes that the household is intact.* Because the underlying data is taken from the expenditure patterns of intact families, current guidelines are built on the assumption that the families are intact families. When we are estimating child costs for the purpose of creating guideline child support levels, the households for which we are calculating the costs are not intact households. There is no demonstration that the spending patterns of non-intact households are similar to those of intact households.
2. *It falsely assumes that preferences concerning spending on adult goods is similar for couples with children and couples without children.* However, it is reasonable to suppose that families with children have different preferences concerning the consumption of "adult goods" than families without children for reasons other than the additional costs of the children. If those with children do not desire these goods as much as those without children, then this methodology will overestimate the child costs. It is reasonable to think that, on average, those who choose to have children have less desire for some adult goods than those who choose not to have children. So, there is reason to suspect that the Betson-Rothbarth method overestimates child costs.
3. *It falsely assumes that there is additional income when a child is added to the family: additional income that would raise the family's presumed standard of living to what it would be without children.* Because Ohio's current income shares model is an income equivalency model, it bases its calculation of guideline child support on the additional income that would be necessary for the family to enjoy the same standard of living

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they would have without the children. This is to base the amount of child support on more income than the family has. Families do not have the additional income that the income equivalency methodology presumes.

4. *It does not allow the breaking down of the expense on children into different categories.* Like other income-equivalency methods, Ohio's current income shares model does not classify expenses on children. Rather, it makes an overall estimate of child related expenses for a couple in a given income range. As a result, it undermines the ability of parents to challenge the presumptive correctness of the guideline amounts by not allocating child expenditures over different categories. This undermines Ohio's compliance with the federal requirement that our guidelines be *rebuttably* presumed to be correct. So long as there is no indication of the categories and expenses in each category, the practical possibility of rebutting the guideline amounts is undermined.
5. *It relies on a methodology that most people find counterintuitive and indefensible.* While it is most obvious in Ohio's current Betson-Rothbarth approach (because of its reliance on adult expenditures on tobacco, alcohol and adult clothing), to a significant extent, any income equivalency method violates the requirement that political philosophers call 'publicity'. This is the requirement that the methods employed by our government in creating policies that severely affect citizens should be one that can be publicized and defended to citizens. The common person expects child support calculations to be based on information that directly concerns costs of raising children.

Moving to an actual expense approach to calculating child rearing expenses avoids many of these problems.

Recommendation II: Maintain current practice of basing child support guidelines' computation on combined gross income of the parties.

The Council reviewed computation of child support based upon gross vs. net income and determined the current practice of combined gross income of the parties remains the best option.

Justification: There are several arguments in favor of basing child support on gross income. They include (1) the USDA estimates of the cost of raising children is incorporates gross income in the Schedule of Basic Support; (2) current Ohio law/practice uses gross incomes-obligees, obligors, Ohio Bar, the Courts, CSEA staff, and others are familiar with using gross income; (3) advocates of the gross income approach argue that net income is too complicated and subject to manipulation; (4) gross income methodology is simpler; (5) gross income is at least as equitable as net income, and sometimes more so. An example is the fact that mandatory union dues can be deducted, but normally not voluntary union dues. Using net income amounts may lead to additional litigation over what constitutes allowable deductions from gross income; (6) gross income does not assume that all of a parent's gross income is available to spend on the child. Tax differences between parents at different income levels are accounted for in the current schedules of support, in which higher income parents spend a smaller portion of their income on their children; (7) a majority of states (30) base their child support guidelines schedules on gross income amounts verses states (21) that base their support schedules on net income amounts.

Recommendation III: Adopt the per capita cost approach for housing recommended by economist Mark Lino of the USDA.

A straight per capita calculation will be applied to housing and miscellaneous expenses. A per capita calculation will also be applied to the 60 percent of transportation expenses that are "non-work-related."

Justification: It is sometimes argued that the USDA method overestimates child-rearing expenses since the per capita method is used to allocate housing, transportation, and miscellaneous expenses among household members. These three budgetary components account for about 60 percent of USDA child-rearing costs. One study argues that child-related housing expenses should be measured as the difference in rent between one- and two-bedroom apartments. This argument assumes all children will reside in rental property. Housing expenses on an only child in a lower-income and middle-income family for the overall United States are estimated by USDA to be about \$205 and \$285 per month, respectively, in 1996. This includes the cost of shelter as well as utilities,

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furnishings, home insurance, and appliances. According to the Census Bureau, the difference in median rental price between an efficiency/one-bedroom housing unit and a two-bedroom housing unit was about \$100 per month in 1996 dollars. This does not include the cost of utilities for many units, furnishings, insurance, or appliances. Also, the USDA child-rearing housing expense includes homeowners and renters; housing costs for homeowners are typically higher than the costs for renters, as owned housing usually has more space than rental housing. The alternative, using a marginal cost procedure, could lead to severe underestimates of housing expenses on a child, for as previously explained, many couples without children purchase a home in anticipation of having children. Hence, these couples without children would have housing expenses similar to couples with children.

As for transportation expenses, USDA child-rearing expenses do not include the 40 percent of total transportation expenses deemed to be work-related. Miscellaneous expenses include expenditures on personal care (toothpaste, haircuts, etc.), entertainment (video cassettes, toys, etc.), and reading material (books, magazines, etc.). Many of the goods and services in this category are child-oriented, so a per capita approach seems reasonable in allocating these expenses. Based on some of the goods and services that are included in this category, it could be argued that children consume more than a per capita share of these expenses. Therefore, it is not likely that USDA child-rearing expenses provide gross overestimates of expenditures on children for housing, transportation, and miscellaneous goods and services.

Amendment: At the council's final meeting this recommendation was amended. After receiving the numbers for housing cost using the USDA approach the council decided that this may not be the best method due to a substantial increase. They felt this change was too much to justify and at the final meeting decided to use the National Research Council Equivalence Scale for Housing expenses instead. The other miscellaneous costs will still be determined under the USDA methodology.

Recommendation IV: Low income obligors

1. Upon the table adjustment every four years, the self support reserve should be changed to the current year's federal poverty guideline for one person. Currently, the 2003 federal poverty guideline is \$8,980 net per year.
2. (a) Presently, R.C. 3119.06 permits only the Court to issue minimum child support orders. The statute should be amended to permit the CSEAs authority to do the same.
 - (b) This statute should also be amended to permit minimum child support orders or no child support in instances where (1) an obligor is incarcerated for an extended period of time (or, for a period of time not less than one year), and (2) an obligor's resulting income, after the child support obligation is subtracted, is at or less than the current federal poverty guideline.
 - (c) If the above amendment is made about an obligor's resulting income, then it must also be explained in the statute that an obligor will pay no less than the difference between the calculated order and the amount that reduces his/her income to the current poverty guideline for an individual. (Ex: if the calculated order amount is \$100, but the obligor's income would be reduced from \$9,030 to \$8,030, the order would only be \$50 resulting in a net income of the current poverty standard of \$8,980.

NOTE: The child support guideline worksheet would have to be revised to include a line at the end which calculates the obligor's income after the exchange of child support so that it may be determined if his/her resulting income is at or less than the current federal poverty guideline.

3. R.C.3119.04 should not change.
 1. The greatest impact on low-income obligors and their compliance must come from changed state-wide administrative policies. For example, how income is imputed, the way orders are set retroactively which creates an arrearage immediately, or by compromising the debt owed to the State in IV-D cases and/or by incorporating a "jobs program/see work order" component to a court's order.

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Justification: If the federal poverty guideline is approximately \$9,300 per year then it seems reasonable to permit an obligor that amount as a basic amount for subsistence.

Recommendation V: Cost of Living Adjustments (COLAs)/Updating Child Support Tables (Schedule)

Update the child support table (schedule) every four years: The Council recommends removing the child support schedule from statute and requiring that the basic child support schedule (child support tables) be updated every four years using the U.S. Department of Agriculture methodology to formulate the schedule (tables). ODJFS should adopt rules implementing the required schedule changes. The General Assembly should give the necessary rulemaking authority to ODJFS.

Justification: First, the expense of raising a child increases over time, and the child support order should as well. Second, the tables need to be updated periodically to reflect and incorporate new data on the costs of raising children of different income levels.

Deviations Subcommittee

Recommendation I: Utilizing Deviations to Recognize Extended Parenting Time

Create Additional Statutory Cites 3119.231. In considering a requested deviation based on section 3119.23(D) of the Revised Code, the Court shall recognize that expenses for the children are occurred in both households.

1. If it is determined that the parenting time of the obligor exceeds 130 overnights(35.62 percent) per year, the court should consider a deviation from the amount calculated pursuant to the worksheet and the schedule in section 3119.021 of the Revised Code.
2. If it is determined that the parenting time exceeds 164 overnights(44.9 percent) per year, the court shall consider a substantial deviation from the amount calculated pursuant to the worksheet and the schedule in section 3119.021 of the Revised Code. If the court declines to grant a substantial deviation the court shall specifically state in the order the facts that are the basis for this decision.

Justification: This recommendation points out to the Courts that deviations should be strongly considered in these situations due to the creation of a separate statute that specifically relates to this situation.

Recommendation II: Adjustment for all cases with Parenting Time Orders as an attempt to recognize that expenses occur in both households

Place a notation on the worksheet of whether there is a parenting time order in place that at a minimum matches the time associated in a standard parenting time order for that county. Place a second notation identifying whether a court has removed the adjustment for failure to exercise parenting time and/or due to another deviation factor.

Somewhere in the adjustments section on the worksheet, there should be a line which provides for an 8.75 percent adjustment to the Obligor's obligation off the parents share from the Guidelines Tables. This figure represents a calculation of 35 percent variable costs and 25 percent average parenting time order statewide.

After the entire child support is calculated, the income in the obligee's household should be calculated by adding the total of line 7 and line 23c. If this amount does not equal 200 percent of the Federal Poverty Standard as identified in rule by ODJFS as of November 30 each year. Then the 8.75 percent should be added back to the obligation.

If the Obligor receiving the adjustment to his/her child support obligation is not exercising 75 percent of the total parenting time ordered during the preceding six months, then the Obligee may request a modification in the court or thru the CSEA. If the request is made of the CSEA and there is no other reason for an Administrative Review and Adjustment, the CSEA shall take the last guidelines worksheet and remove the previously granted adjustment under the desk review and shall send the recommendation to the parties within 30 days of the request. If the

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Obligor objects to the removal of the adjustment, the hearing will be scheduled with the court, bypassing the Administrative Hearing similar to what is done if a party needs a deviation. This is due to the fact that the Court should be the fact finder of this situation.

Once the adjustment has been reviewed on a case, having it reinstated will not be a reason for an administrative review. If the CSEA is reviewing the order amount for other reasons, then the assumption made by the CSEA will be that the adjustment will not be given. If the only objection to the new child support obligation is not receiving the adjustment, then the Obligor will have to request a court hearing and provide evidence to the court that parenting time is taking place.

Justification: It is believed that this adjustment recognizes that some expenses do travel with the child and that for those parents that are spending time with their children, these expenses should be recognized.

Recommendation III: Update deviation factors

Update deviation factors: The recommendation has five parts:

(1) Revise the standard of review in ORC 3119.22 Deviation from Guidelines to state simply:

“The court may deviate from the worksheet amount after considering the factors in 3119.23, if the court determines that the amount would be “unjust or inappropriate” and thus not be “in the best interest of the child.”

(2) List deviation factors on the worksheet with a place for the facts that are the reason for the deviation. Line 24 on worksheet (3119.022).

(3) Revise the current 16 deviations and re-letter accordingly:

Combine A and M to create New A: A: Special and unusual needs of the child(ren); includes but is not limited to needs arising from the physical and psychological condition of the child(ren).

Eliminate B: Extraordinary obligations for minor child(ren) or obligations for handicapped children who are not step-children and who are not offspring from the marriage or relationship that is the basis of the immediate child support determination;

Retain C (it becomes B): B. Other court-ordered payments

Revise D (it becomes C): C. Extended parenting time or extraordinary costs associated with parenting time, including but not limited to extraordinary travel expenses when exchanging child(ren) for parenting time.

Revise E (it becomes D): D. Move the wording from 3119.23(E) to 3119.05, thereby changing the disregard of income from a second job taken on to support a new family from a deviation factor to become a part of income computation. Also wording should be added to 3119.05 allowing disregard of overtime income, taken on a voluntary basis, to support a new family. In cases of modifications, said disregards should only be permitted if taken on after the establishment of the order under review. Disregard of these income sources should not be deemed a criteria for modification of an existing support order unless other criteria exist.

Retain F (it becomes E): E. The financial resources and the earning ability of the child

Combine G with K (it becomes F): F. The relative financial resources, including but not limited to disparity of income between parties or households, other assets, and the needs of each parent.

Retain H (it becomes G): G. Benefits that either parent receives from remarriage or sharing living expenses with another person;

Retain I (it becomes H): H. The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;

Retain J (it becomes I): I. Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;

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Eliminate K (combine with G as noted previously)

Retain L (it becomes J): J. The standard of living and circumstances of each parent and the standard of living the child(ren) would have enjoyed had the marriage continued or had the parents been married;

Eliminate M (combined with A)

Revise N (it becomes K): K. The educational opportunities that would have been available to the child had the circumstances requiring an order for support not arisen.

Expand O to read (it becomes L): L. The responsibility of each parent for the support of others; including but not limited to child(ren) with disabilities who are not the subject of the order.

(4) Add the following two deviation factors:

M. Postsecondary educational expenses paid for by a parent for his or her child(ren) whether emancipated or not.

N. The costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-order reunification efforts in abuse, neglect or dependency cases.

Retain P (it becomes to O): O. Any other relevant factor.

(5) Strike the following paragraph in ORC Section 3119.23 (due to redundancy):

The court may accept an agreement of the parents that assigns a monetary value to any of the factors criteria listed in this section that are applicable to the situation.

Justification: The Deviation subcommittee reviewed and updated the deviation factors due to part of their charge as a subcommittee.

Recommendation IV: Computation of child support where multiple orders exist for children of the same parents

A statute should be enacted to require a court or C.S.E.A. making a support order to determine if other courts have made support orders for other children of both parties and to fix support so that the total of all support orders for children of these parents is the same as if support had been determined for all the children in one proceeding.

Justification: There should be no difference in the total amount of support for children of the same parents ordered for the children whether in one or in separate proceedings. It may require some work on the court's part to ascertain whether there are other support orders for other children of the parents but this information should be readily available to the parties. Difficulties would be created by giving the last court making a support order for one of the children authority to modify other previous orders. This approach appears to be the most feasible.



Appendix A: Public Feedback

Public Feedback Report

July – December 2003

Section 1

Background

The Ohio Department of Job and Family Services (ODJFS) is required by law to review Ohio's basic child support schedule to determine whether child support orders issued in accordance with the schedule and worksheets adequately provide for the needs of the children who are subject to the child support orders. ODJFS is required to prepare a report of its review and submit a copy of the report to the General Assembly.

For each four-year review, the department is required to establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. The department must consider input from the council prior to the completion of the report to the General Assembly, which is due March 1, 2005.

The 2005 Council, acting upon a recommendation from the Child Support Reform Shareholders' Group (a body that reviewed Ohio's child support program in 2002 and made suggestions for its improvement), greatly expanded the opportunity for public feedback.

Section 2

How Feedback was Collected

The council made a concerted effort to gather public input through two venues: an interactive website and community forums, both of which invited members of the public to voice their opinions and make suggestions to the council.

Interactive Website

The Child Support Guidelines Council interactive website was available to the public for written commentary from June through December 2003. It featured 21 topic areas in which to comment, as well as a general comment section. The website identified respondents by county and whether or not they were an obligee, obligor, both, CSEA/government agency or "other."

At the conclusion of the website's comment period, 758 obligors had commented, which comprised 45.04 percent of the respondents, and 522 obligees had commented, comprising 31.02 percent of comments. Comments were received from 86 of 88 counties. There were no responses from Fayette and Noble counties. Franklin, Cuyahoga, and Summit counties had the most responses.

Community Forums

Comments were also gathered through 20 community forums held in 15 locations around the state from July through November. Two forums were held in five of the metro counties (Cuyahoga, Franklin, Hamilton, Lucas, and Montgomery) in both the afternoon and early evening to accommodate as many schedules as possible. Ten rural and/or suburban counties were selected in the four geographical regions of the state, plus central Ohio. Although many respondents spoke of visitation, custody and enforcement issues, the most commented on subjects within the purview of the council included deviation factors, parenting time adjustment, gross vs. net income, shared parenting, tax allocations, costs of raising children, multiple families, post-secondary education, imputation of income, guidelines worksheet review, three-year rule review criteria, and cost of living adjustments. Several council members attended each forum.

Appendix A: Public Feedback

Report Setup

Comments and information for this report are divided by three subcommittees: Deviations, Guidelines Methodology, and Statutory Language. After recognizing the subcommittee, the order is as follows:

- subcommittee's charge
- explanation of topic in which the public commented on
- brief analysis of data collected (i.e. total number of responses, how obligees and obligors responded, etc), and sample quotes from respondents.

To obtain a copy of all comments, please contact ODJFS, Office of Legislation at 614-466-9280.

At the end of the report statistical information is provided. This information includes a table displaying total topics and responses for each topic; each county's total responses; bar graph of total topics and responses for each topic; pie chart of comments by respondent (i.e. obligor, obligee, both, employer, CSEA/government agency, and other); and a detailed summary of comments by topic, each respondent, and totals.

This report reflects comments received from the Interactive Website.

Section 3 Deviations Subcommittee

The Deviations Subcommittee is reviewing the 16 deviation factors currently contained in the Ohio Revised Code to determine whether any of them should be eliminated or incorporated into the worksheet calculation of the actual annual obligation. (A 'deviation fact' is defined as any factor causing the amount of a child support order to be adjusted upward or downward from the guideline child support calculation.)

Parenting Time Adjustment

A review of how the child support order is adjusted according to the time spent with each child.

There were a total of 101 responses to this topic. Overall, everyone agreed that a parenting time adjustment should be considered as a topic. Obligor believe strongly that an adjustment should be made to their support order if the child spends more than the nominal amount of time in their home. They cited lack of ability to support two households when the child was in their home. There were mixed responses from the obligees. A lot of them were concerned about parents not sticking with visitation schedules, and if this were to happen, they should be compensated. Obligees felt that there are problems when support changes for visitation. The amounts are not deducted correctly and/or deducted the visit. The amount should be taken through the year just to avoid mistakes that were made in the past.

Comments frequently heard included:

“When an obligor doesn't spend time with his children, an upward deviation to the obligee should take place to allow for time and expense that should have been taken care of by the obligor on those visitation days.”
– Obligee, Muskingum County

“It makes absolutely no difference who actually has 'custody'. The money should ALWAYS follow the child.” Washington County

The following Cuyahoga county respondent suggested a formula to help determine a fair and appropriate adjustment:

Appendix A: Public Feedback

“For example: Annual payment = \$10,000 divided by 365 = \$27.40 per day. 65 visitation days = \$1,781. Adjusted annual support payment = \$8,219. Adjusted payment would provide for a child’s needs during visitation.”

Shared Parenting

How joint custody cases should be handled with regard to the child support order.

There were 90 comments on this topic. A lot of people felt that child support is not needed if the case has a shared parenting/joint custody plan. Others felt that current calculation and assumptions for shared parenting are flawed. An obligor felt that the courts allow obligees to have too much control over the child’s time with both families. Overall, majority of the responses were all for shared parenting being looked at when determining child support.

Comments frequently heard included:

“The schedule does not take into account the total set of factors that contribute to annual income and personal worth. Allow for adjustments that are agreed upon by both obligor and obligee.” – Cuyahoga County

“If the child is with the parent half of the time then they should be required to pay only half of the child support. One parent should not have to pay 100 percent of child support if the rearing of the child is done by both parents.” – Obligor, Franklin County

“Currently, shared parenting is not set up fairly. My ex pays \$10 more a week at \$45 a year than my husband does for his son at \$25K (Richland County) and this is all because my ex sees my son an extra 12 hours per week for SHARED PARENTING!” – Obligee, Marion County

Multiple families

How child support orders should be handled when multiple family units result from parents having additional children.

There were 65 responses to this topic. Overall, everyone agreed that multiple families should be considered, including other children and spouse’s income. Again, there were suggestions to establish a standard cost to raise a child so that the cost can be split 50/50.

Comments frequently heard included:

“All the children’s support should be equal. The first child should not get more support and the last get less. Each child has the right to grow up being supported financially by both parents regardless of how many times their parents had children with multiple partners.” – Obligee, Lake County

“You should adjust this accordingly for having a new family and paying child support due to the fact that when the custodial parent remarries, they essentially get the three incomes, and when I remarry I have to still make ends meet.” – Obligor, Erie County

“Orders that have more than one family unit involved are grossly unfair. The first obligee gets bulk of the support and the rest get pennies or nothing. What a shame.” – Franklin County

Deviation Factors

A review of any factor causing the amount of a child support order to be adjusted upward or downward from the guideline child support calculation. These could include but are not limited to medical premiums, child care costs, in-kind presumptions, reasons to lower income, military deployment, etc...

Appendix A: Public Feedback

There were a total of 124 responses to this topic. Overall, everyone agreed that deviations factors should be included.

Comments frequently heard included:

“Deviations should be allowed to the obligee for medical costs, child care costs, and visitation time or lack thereof.” – Obligee, Cuyahoga County

“The court would not recognize my spouse’s medical insurance coverage/premium (that covered my son) as a factor for deviation. My spouse’s insurance was better coverage for my son, but the court made me pay more support because the premium was not coming out of my pay. This was not looking out for my son’s best interest.” – Obligor, Richland County

“I think school tuition needs to be taken into account.” – Obligee, Montgomery County

“I feel the total amount I pay for medical benefits for my children should not be sliced and diced as it presently is now. To only let me deduct what my ex-spouse’s percentage is unfair. It results in higher support for me while I still have to pay 100 percent of benefits which results in less money I can spend on my kids whom I have custody of 170 days per year. Also, I have dental benefits but yet they give the obligee a credit for also carrying dental. Double insurance is unnecessary since mine pays 100 percent.” – Obligor, Lucas County

“Amount(s) paid for housing (rent/mortgage) should be considered in deviation.” – Obligor, Franklin County

Tax allocations

A review of child support issues having anything to do with taxes, including who claims the child(ren), earned income credit, and tax savings.

There were a total of 85 responses. A few obligors felt that they should be allowed to claim the child every year since they pay child support. Some obligors felt that child support should be tax deductible. Obligees felt that the obligor should be allowed to claim the child every other year if they are current on their child support. Other obligees felt that they should claim the child(ren) because they take care of the child majority of the time. One obligee felt that allowing the obligor to have tax benefits may be used as an incentive to get obligors to pay.

Comments frequently heard included:

“An obligor should be entitled to some income credit or tax savings. Regardless of which parent the child lives, the obligor is providing financial support and in most cases providing part-time residence.” – Obligor, Coshocton County

“Tax exemption should be shared by both parents on an every other year basis, provided that the obligor is current on child support payments and there are no arrearages. When there are two or more children, the exemption should be divided (i.e. one parent claims one child every year while the other parent claims the other child every year. It is more beneficial to the children to be able to reap the benefits from both parents.” – Obligee, Champaign County

“The IRS should never let anyone behind on child support file joint.” – Obligee, Wayne County

Appendix A: Public Feedback

Section 4 Guidelines Methodology Subcommittee

The Guidelines Methodology Subcommittee, using the Income Shares Model as the framework for the Ohio child support guidelines, is considering various factors for incorporation into the model calculations, which results in the guideline tables.

Methodologies that look at the cost of raising children, including at various ages.

It is possible to consider the age of the child(ren) and to develop different child support schedules for children in different age brackets. The costs of raising children at different age levels may be different.

There were a total of 74 responses to this topic. The majority agreed that this would be a good idea. Obligees felt that this would cause child support to increase because as children get older they eat more, they grow out of their clothes faster, and they participate in extracurricular activities. Whereas obligors feel that this would cause child support to decrease because diapers and daycare are no longer needed. They also felt older children can take care of themselves and usually obtain part-time jobs during their teenage years.

Comments frequently heard included:

“Consideration should be given for the costs associated with extra-curricular activities as the children get older and more active, especially in school districts facing “pay to play” sports. All extra-curricular activities are expensive: sports, music, art, summer camp, school trips, etc. Unless the non-custodial parent willingly contributes toward the costs, it is often impossible to absorb the extra financial burden.”
– Obligee, Franklin County

“I feel that this would make a system already so overburdened and complex completely unworkable (if not already so).” – Cuyahoga County

“I believe that a child at a younger age needs more financial support than one past the age of 14. Most teens are working at 16 years old and provide many personal effects for themselves.” – Obligor, Franklin County

Gross vs. net income (income bias)

Ohio currently uses gross income (before taxes) in the child support guidelines calculations. Some states use net income which can be defined in a number of ways. Net income can be income after just taxes, social security, and Medicare are deducted or can be considered as the amount of income left after other deductions, such as union dues.

There were 91 total responses to this topic, the majority being obligors. The majority of the feedback suggested net income, defined as after taxes and social security deductions, should be used when calculating child support. Obligees found this to be a problem for self-employed obligors since they can hide information as they deem necessary to pay a lower amount of child support. Obligor responded with net income.

Comments frequently heard included:

“Amount of income left after taxes, deductions, medical premiums/expenses, etc. should be the figure used to calculate support. This should be reviewed bi-annually for adjustment.” – Obligor, Summit County

“Certainly net income should be used after ALL deductions. After all, a deduction is money that the employee no longer has. Let’s be fair and base it on the actual money one has. An obligee does NOT have to pay taxes on the support as it is.” – Obligor, Cuyahoga County

Appendix A: Public Feedback

“I think it should be decided on gross income. If someone has a 401K plan that is an extra and shouldn’t be considered in the child support system.” – Obligee, Lake County

“I think that using net income is much fairer to those in higher tax-paying brackets.” – Obligee, Vinton County

Calculating child support for both parents in third-party cases

At times, children are not residing with either parent. They are with a caretaker or relative and a support order for each of the parents, to be paid to the caretaker, needs to be determined.

There were 12 responses to this topic. The majority agreed that whoever is providing for and taking care of the child(ren) should be receiving child support from both parents.

Comments frequently heard included:

“Net income of both parents should be calculated individually.” – Obligor, Coshocton County

Guidelines worksheet review (summary worksheet)

There is a standard worksheet that is used to calculate child support obligations based upon a formula involving the income of both parents and a limited number of other factors such as child care and medical expenses. This worksheet can be reviewed for changes.

There were 59 total responses. There were a lot of general responses that didn’t particularly pertain to the worksheet, in general. Some commented that the worksheet is too complicated and hard to understand, while a few others requested the worksheet should be reviewed for changes. However, we were able to hear from the CSEA/Government agency regarding their thoughts on the issue as well. Overall, respondents were all for the worksheet being reviewed for changes.

Comments frequently heard included:

“My concern is that the current guidelines provide no guidance in what to do for running two or more guidelines for the same obligor in two or more separate cases simultaneously. It is not clear how to handle the line for support paid for other children.” – CSEA/Government Agency, Clark County

“I would like to see more serious consideration of the worksheet by CSEA workers. Many items are skipped over to save time.” – Obligee, Montgomery County

“There needs to be parenting time adjustment guidelines inserted into the guidelines because in today’s world you have a whole spectrum of parenting time customized by two parents.” – Obligor, Greene County

Identification/specification of basis of assumptions that generate guideline amount

This will consist of a review of all the ways that the economic charts that set the support amounts can be developed. What are all of the costs/expenses/needs of either parents or the children that should be taken into consideration?

There were a total of 59 responses to this topic. All parties agreed that this topic should be revised. Obligors felt that cost of living expenses should be considered when determining child support. They also felt that only the average costs of raising a child should be considered. Obligees felt that the amounts are too low. They also felt that past due child support owed should be treated as any other financial obligation subject to standard interest payments and penalties for delayed payment.

Appendix A: Public Feedback

Comments frequently heard included:

“The needs of the children and with whom the children reside should be considered. Child support should be based on how much it costs to raise a child, times how many children there are to consider.”
– Obligee, Muskingum County

“In joint parenting situations, the obligor often pays for child care, clothing, school expenses, and activities. More consideration should be given to parents who are committed to being fully involved in their children’s lives and working to provide a normal family life within their home.” – Obligor, Cuyahoga County

“Current living expenses should be taken into account. A parent shouldn’t have to move out of his/her home because the worksheet determines that you owe the other parent X amount of dollars and that won’t allow you to stay in your existing dwelling. The following is a list of expenses that need to be considered: mortgage or rent, gas, electric, water, etc.” – Obligor, Summit County

Cost of living adjustments

It is possible to develop a method of determining support that provides for the support amount to be adjusted periodically, without a formal review, by a predetermined cost of living adjustment amount. That adjustment would automatically occur at regular intervals as provided for in the guidelines rules.

There were 58 responses to this topic with an even split between obligees and obligors. Almost all obligees were for the costs of living increase in support payments, while almost all obligors were against the increase. Some respondents felt that the increase should not occur without a formal review. Due the economy, cost of living increases at the workplace are at a standstill.

Comments frequently heard included:

“Adjusting child support, periodically, without a formal review is wrong and unfair. My place of employment has just finalized a three-year contract and in that timeframe there are no raises for the first two years. Why would my ex be entitled to a cost of living adjustment when I am not getting one?” – Obligor, Cuyahoga County

“It is my opinion that a cost of living adjustment cannot be implemented fairly across the board.” – Obligor, Coshocton County

“I believe cases should be reviewed periodically for all changes including cost of living adjustments.” – Obligee, Trumbull County

“With the cost of raising children increasing as well as those involved in extra curricular activities, school trips, etc., I feel there should be some adjustment made to allow for cost of living. We are lucky if the support order gets enforced so any type of help when it comes to raising costs without having to be for a review and justify it would be welcomed!” – Obligee, Tuscarawas County

Low-income obligors

The guidelines can provide for a “self support reserve” or a minimum income amount the obligor must have before more than a minimal amount of support can be ordered and the regular child support schedule begins to apply.

There were a total of 35 response to this inquiry. Majority of the respondents agreed with the “self support reserve” initiative. However a few obligees felt that child shouldn’t suffer because one parent can’t get it together. A respondent from Franklin County felt that assets of the obligor need to be determined prior to considering this.

Appendix A: Public Feedback

Comments frequently heard included:

“Low income obligors seem to be hit the hardest by the child support guidelines. Upon conferring with magistrates and attorneys in my county, we are in agreement that the obligors that are hit the hardest are ones making \$10,000 to \$30,000 per year. Many of those people will get stuck paying an obligation between \$200 - \$400 per month and it can prove to be crippling. Worse, we believe that it is driving obligors to give up paying because they feel the cause is hopeless. Many have to choose between paying for a place or their children.” – CSEA/Government Agency, Logan County

“That is a good idea for obligors who have legitimate and reasonable problems supporting themselves, but I would be afraid that many people might take advantage of this guideline, and use it to get out of paying support.” – Obligee, Vinton County.

“I feel very strongly about this. The present model forces a low income obligor to cheat by not reporting case jobs or other income just to survive. Many low income obligors find the only alternative is to run and hide from their obligation or not work at all. I choose to live far below the state poverty level so that I can still be a father to my children. The situation keeps me in constant danger of being in violation of a court order. I must pay 60 percent of my gross income, no matter how little income I have.” - Obligor, Coshocton

Cost presumptions

Items/expenses for children that are assumed to be necessary for consideration in determining the child support amount. Standard amounts for such costs are included as part of the economic charts used to set the schedules.

There were 29 responses to this topic. Most obligees said yes and there were mixed responses among obligors, government agencies/CSEAs, and other. The mixed crowd feels the cost presumptions would work out if it's used properly.

Comments frequently heard included:

“Cost presumptions are not fair unless you use cost presumptions for the support of the obligor too.” – Lake County.

“Costs incurred by an obligee for medical care, dental care, and child care/daycare should not be considered during calculation if there is a court order (divorce decree, shared parenting plan, etc.) that requires each parent to contribute to those expenses.” – Cuyahoga County

“Consider everything necessary to raise a child.” – Obligee, Muskingum County

“Standard amounts are not “typical” throughout Ohio. Socioeconomic factors must be included in the formulary.” – Obligee, Clark County

“Basic assumptions such as food, clothing, child care, shelter, education, medical expenses and extracurricular activities should be included in the calculation. They should be adjusted based on averages for specific geographic locations.” – CSEA/Government Agency, Cuyahoga County

Section 5 Statutory Language Subcommittee

The Statutory Language Subcommittee's charge is to produce policy requirements detailing Council recommendations in the final guidelines report to the legislature. The policy requirements will provide clear guidance regarding the policy decision reached by the council to legislators.

Appendix A: Public Feedback

Spousal support impact on guidelines calculations

Court-ordered spousal support being paid to any former spouse is currently required to be deducted from the income of a parent when completing the child support guidelines worksheet. Should this remain a part of the worksheet calculation?

There were 28 total responses to this topic. Obligees said no and obligors said yes. The obligors went to say that obligees should count spousal support as income if they're receiving it. Meanwhile a Summit County respondent indicated it should be removed because it's always difficult.

Comments frequently heard included:

“Yes, it is income. It should also be considered an expense to a person paying it.” – Obligor, Allen County

“NO. It is no fault of any child that that parent cannot maintain a marriage and for that reason is required to pay spousal support to another person. Why should a child's standard of living have to suffer because of his father's obligation to someone else? If this should continue to be the case why should we not be allowed to figure in the cost of housing? This is, after all, another expense.” – Obligee, Butler County

Calculating child support in child welfare cases

Currently, Ohio law requires either or both parents to pay child support to a caretaker of their child. However, many people believe that when a court-ordered family reunification plan is being implemented the child support obligation should be reduced or waived. Should Ohio law be changed to allow for consideration of this circumstance?

There were only 10 responses to this topic. The majority of the respondents answered yes and felt that this money may help with reunification plans. Two responses felt that in no case should a support order be used at any time within reunification or other.

Comments frequently heard included:

“Yes. Perhaps those funds would be better utilized in preparing for the child to come home. Maybe part of the reunification plan is an apartment with another bedroom or separate beds.” – Champaign County

Imputation of income - when, how, conditions

Sometimes a parent refuses to take part in the child support calculation process; in other cases, one parent believes that the other parent makes more money than they will admit to on the child support worksheet. Currently Ohio law allows courts and administrative agencies to assume a certain level of income for purposes of completing the child support calculation. Do you believe this is appropriate?

There were a total of 60 responses to this topic. The majority agreed not impute income and felt that W2's, pay stubs, and tax information would be feasible proof of income. However, a few agreed to imputation of income if and only a parent refuses to provide proof of income.

Comments frequently heard included:

“Yes, this is appropriate. If the parent disagrees with the imputation, they have the ability to object and bring in actual evidence. Imputation of income encourages everyone to participate.” – Summit County

“Imputation is NOT appropriate! In a new business, I am paying support as if I had been in business for several years. Schedule Cs and 1040s are good enough for the IRS, they should be good enough for CSEA and the court.” – Obligor, Highland County

Appendix A: Public Feedback

“If it can be supported that imputed income is in line with what the actual income of that parent would be if they chose to work. However, when the income is imputed, the allowance for other children in that household not belonging to the obligor should not be considered when calculating payments.” – Obligor, Summit County

“Only in cases where there is NO information due to a refusal to cooperate. As long as both parents bring in supporting documents for the agency’s perusal, then the reported income should be accepted, unless the accusing parent can provide proof of the other’s reported inaccuracies.” – Obligee, Vinton County

Post-secondary education

Currently, the obligation to pay child support under Ohio law ends when a child completes high school, but no later than 19 years of age. Should the law allow support to continue beyond this age? Under what circumstances?

There were 62 responses to this topic, 30 responses were from obligors. A few respondents felt that child support should continue if the child is disabled or handicapped. The obligors felt that post-secondary education is an option not an obligation; therefore, child support should terminate at current law states. Most obligees felt that child support should continue should the child pursue post-secondary education. Some felt that child support should cover education if both parents agree. Overall, all parties agreed that if it’s medically necessary, child support should continue. But when the child becomes an adult, the child is considered legal and should take care of himself/herself.

Comments frequently heard included:

“Yes, if the child enters college then the support obligation to the child should continue for four years beyond this age.” – Obligee, Butler County

“This is something that should be dealt with in the courts and not through child support.” – Lake County

“Only if the child has a medical condition to the point that they can not provide for themselves. To subject a parent to this litigation after a person is considered to be an adult and can make their own choices in life is more than necessary.” – Obligor, Allen County

Split custody when one parent has no income

A split custody worksheet is completed there is more than one child and each parent has custody of a child. If one of the parents has zero income, the other parent does not currently get any credit for caring for the child in their home. Options to correct this include allowing the use of the sole custody worksheet in these circumstances; or the use of imputed (assumed) income on the split custody worksheet for the parent without income.

There were 16 responses to this topic. An obligor felt that this should be handled by imputing income to the parent with no income. Another suggestion was to use sole custody worksheet because you can’t assume income for someone who has no income.

Comments frequently heard included:

“I believe the case should be investigated periodically to find out why the other person isn’t working. If it is by choice then sanctions should be imposed.” – Obligor, Lucas County

Appendix A: Public Feedback

“Well, the assumed income would be fairer. I think that would help keep some parents from getting more support than they deserve by not working when they could or working low-paying jobs when they are qualified for higher paying ones to avoid paying more support.” – Obligee, Vinton County.

Three-year rule review criteria

Federal and state law currently require a periodic review of each child support order every three years. However, if a request for a review is made fewer than three years from the date of the initial order, current law requires there be a minimum difference between the old order and a new order. Should this be changed?

There were 57 total responses to this topic. Most complaints were in regards to the current three-year review not being done, so the change won't make much of a difference. Also there were complaints that it takes too long to process a review, which hinders the order. There were mixed reviews from changing the criteria, to not changing the criteria, and overall review complaints. Surprisingly, feedback was not obtained from any CSEAs/ Government Agencies.

Comments frequently heard included:

“If there is a review every three years, why haven't I received child support payments in more than 15 years? Reviewing the child support order is fine whenever it's done because it's just that – a review. The problem seems to be that no action is taken once the review is done.” – Obligee, Ottawa County.

“No, I think that's fair, and it helps save court costs for revising orders for just a few dollars.” – Obligee, Vinton County

“Should be changed. Why should it be a minimum difference since it may be a significant difference. Acknowledge it!” – Obligor, Cuyahoga County

Definition of child support and identification of what it is for

Should Ohio law define and describe the underlying policy behind the establishment and enforcement of the child support obligation?

There were a total of 53 responses to this topic. Majority of each respondent category agreed that child support should be defined and the use of it should be identified as well. Obligees felt that thoroughly defining child support will help obligors; whereas, obligors felt that identify what the child support should be used for will help the obligees.

Comments frequently heard included:

“No – I get \$291.41 every two weeks and this is for two kids and it goes towards utilities, mortgage, car loan, etc, which is needed to provide a standard of decent living for the children. They need a roof over their heads and reliable transportation as well as utilities which are basic necessities.” – Obligee, Cuyahoga County

“Yes, because some parents need this to be spelled out to them. I know it helped immensely for my ex-husband to hear the magistrate explain to him. He had previously said to me, the he would go to jail, rather than pay child support. Some people just don't get it and need it explained to them.” – Obligee, Hamilton County

“Yes, obligees should be held accountable to what the support is to be used for. If they use the support for something else, than the obligor's obligation should be reduced to a point where the obligor is providing just enough to support the child.” – Obligor, Summit County

Appendix A: Public Feedback

Responsibility of caretakers for institutional care costs (ORC 2151.36)

Current law allows a court to order a guardian of a child to pay for orthodontic, medical, or surgical expenses of the child. Should a non-parent caretaker of a child be held responsible for the costs of the child's health care expenses?

There were 15 responses to this topic. Everyone agreed that the non-parent caretaker should not be responsible for these expenses. Some thought that the responsibility should be on the natural father and mother of the child, the state, or social security if the parents are deceased.

Comments frequently heard included:

“Only if both parents have zero income.” – Obligor, Coshocton County

“I think it should depend on the situation. If the caretaker voluntarily took the child in, at that time he/she should sign an agreement that they will be responsible for those expenses as long as the child is in his/her care. If it was a court placement, and the child was not taken voluntarily, then, no, the child's parents should continue to be responsible.” – Obligee, Vinton County

General responses

There were 500 general responses. A lot of the general responses were case specific. However, there were also a few general comments and suggestions that were expressed.

Comments frequently heard included:

“In summary, I would simply encourage that there be a more thorough system in place to evaluate the needs of the individual child/family when support is calculated and ordered. It is fine to have guidelines, but individual needs must be considered.” – Obligee, Lucas County

“Need to provide escrow of payments (immediately) upon physical custody change.” – Marion County

“Why are financial institutions allowed to charge a \$5 fee for the expense of withholding child support and any other employer allowed only \$2? It takes any other employer just as much time, trouble and postage as it takes a bank.” – Employer, Richland County

“If a child is permanently disabled, the support order should last the life of the child. Or at least until the child no longer resides with any family (i.e. moves into institutionalized care). The support amount can be reduced by the social security benefits if the child is eligible for the benefit. The fact is these children are life long dependents.” – CSEA/Government Agency, Lake County

“It is difficult to deviate in our county and if we have shared parenting where each parent has the child 50 percent of the time, the obligor (typically father) does not get the full credit because it is our court's opinion that the worksheet already considers time for every other weekend and giving 50 percent is actually more than 50 percent.” – Wyandot county

“I feel if a person wants to work overtime and/or a second job in order to make ends meet that they should be able to do so and this should not be considered as additional income. Sometimes overtime and a second job doesn't last long.” – Obligee, Stark County

Throughout the public feedback process, obligors were more vocal than any other group. Throughout the report, in each category, there was a pattern of respondents commenting that child support should be based on the cost to raise a child instead of each parent's income. A lot of obligors commented that if they are required to maintain a job and pay child support, then the obligee should be required to maintain a job and help take care of the child as well. Obligor felt that the way the system is designed, they can barely survive because their cost of living is not considered.

Appendix A: Public Feedback

Obligees commented that obligors who don't pay are not being punished. They also felt that obligors are finding too many ways to avoid paying a reasonable amount of child support, if any at all (i.e. self employed obligors submitting false information, obligors paid "under the table," etc).

Overall, both obligees and obligors feel that changes need to be made. The majority being that the counties are taking long periods of time to process an order or change an order.



Appendix B: Deviations Study

Deviation Study Results

2005 Child Support Guidelines Council

September 4, 2003

Background

The Family Support Act of 1988 mandated the use of presumptive state guidelines in establishing and modifying child support awards. With presumptive statute guidelines, the child support award amount is presumed to be the correct dollar amount. Due to special circumstances, however, the court may deviate from the Basic Support Guidelines Schedule dollar amount, but only when it is deemed the amount according to the guideline would be unjust, inappropriate, or not in the best interest of the child.

The intent of this study was to provide information relevant to federal compliance issues such as whether or not the guidelines are being used appropriately, if new deviation criteria should be developed to incorporate deviations that are occurring in the state, and if the frequency of a current deviation occurrence warrants inclusion into the guidelines tables.

While varying in methodology, results from the previous two Child Support Guidelines Council deviation studies indicate similar results (See Attachment A). Therefore, the Deviations Subcommittee of the 2005 Council believed it was unlikely that significant changes in deviations have occurred since the last study conducted in 2001. For that reason and due to budgetary constraints, the subcommittee conducted an informal, in-house study of child support deviations in 10 counties during 10 consecutive working days in July 2003.

The objectives were to learn:

1. Number and percentage of cases with deviations
2. Reasons for deviations and percentages for each
3. Percentage of deviations resulting from an agreement between the parties
4. Percentage of deviations resulting from shared parenting.

Results of the study will assist the council in determining recommendations to be presented to the General Assembly in 2005 regarding possible changes to Ohio's child support guidelines.

How the Study Was Conducted

Ten randomly selected counties (three large, three medium, and four small) were asked to participate in the study. They were Franklin, Lucas, Montgomery (large); Lorain, Fairfield, Stark (medium); and Van Wert, Scioto, Noble, and Defiance (small). Only Lucas County declined to participate in the study and Summit County was subsequently asked and agreed to participate.

The Deviations Subcommittee developed the objectives and survey questions and presented them to the Guidelines Council for input and approval prior to the onset of the study.

The participating counties were then sent a packet of survey questions in June (see Attachment B) to complete for each new or modified case that was opened in their Child Support Enforcement Agency during 10 consecutive working days of their choice in July. They were given the option of entering their data online as well although none exercised this option. All counties except Scioto completed their surveys by July 31 and returned them to ODJFS by the requested return date of August 8.

Appendix B: Deviations Study

Results of Study

Total Respondents: 743

Participating Counties: County:	Number of Forms Completed	Percentage
Defiance	11	1.5%
Fairfield	37	4.9%
Franklin	75	10%
Lorain	64	8.5%
Montgomery	427	56.7%
Noble	1	0.1%
Scioto	0	0
Stark	69	9.2%
Summit	59	7.8%
Van Wert	9	1.2%
		99.9%

Time Frame: 10 working days in July 2003

Case Profile

Case Type:

Domestic Relations	384	51%
Juvenile	294	39%
Administrative	68	9%
Other	7	0.9%
		99.9%

Order Type:

New	391	51.9%
Modified	324	43%
Can't Tell	38	5%
		99.9%

Custody

Sole	282	37.5%
Shared	60	8%
Split	5	0.7%
Can't Tell	406	53.9%
		100.1%

Deviation

Yes	60	8%
No	616	81.8%
Can't Tell	77	10.2%
		100%

Type of Deviation

a. Special or unusual needs of children	0	0%
b. Extraordinary obligations for minor children	2	3%

c. Other court-ordered payments	2	3%
d. Extended parenting time or costs associated with parenting time	11	16.9%
e. Obligor obtaining additional employment after a child support order was issued in order to support second family	0	0%
f. Financial resources and earning ability of the child	0	0%
g. Disparity in income between parties or households	3	4.6%
h. Benefits that either parent receives from remarriage or sharing living expenses with another person	1	1.5%
i. Amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both parents	0	0%
j. Significant in-kind contributions from a parent	4	6.1%
k. Relative financial, resources, other assets and resources and needs of each parent	2	3%
l. Standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married	0	0%
m. Physical and emotional condition and needs of the child	3	4%
n. Need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court order for support not arisen	0	0%
o. Need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court order for support not arisen	0	0%
p. Any other relevant fall	8	27.6%
q. Can't tell	19	29.2%
		98.9%

Deviation Amount Information

Was a guidelines worksheet attached?

Yes	39	56.5%
No	30	43.4%

99.9%

Appendix B: Deviations Study

Designated Obligor

Father	46	86.7%
Mother	7	13.2%
		<hr/>
		99.9%

Type of Worksheet

Sole Residential Parent and Shared Parenting	36	97.2%
Split Parenting	1	2.7%
		<hr/>
		99.9%

Sole Residential Parent and Shared Parenting Amounts

Line 22 A*	30	17.4%
Line 22 B*	29	16.8%
Line 23 C*	30	17.4%
Line 24 A*	28	16.2%
Line 24 B*	25	14.5%
Line 25 *	30	17.4%
		<hr/>
		99.7%

Split Parenting Worksheet Amounts

Line 22 A*	1	25%
Line 22 F*	1	25%
Line 24*	1	25%
Line 22 G*	1	25%
		<hr/>
		100%

Agreement Between Parties

Regarding Child Support

Yes*	127	16.9%
No	501	66.5%
Can't Tell*	123	16.3%
		<hr/>
		99.7%

If there was an agreement between the parties regarding child support, is the amount of the ordered child support the amount agreed to by the parties?

Yes	118	96.7%
No	4	3.2%
		<hr/>
		99.9%

* Details in database



Appendix C: Economic Study

Executive Summary

Introduction

The purpose of this study is to develop and document the assumptions underlying the proposed Ohio Basic Child Support Schedule recommended by the 2005 Child Support Guidelines Advisory Council. The Council recommends that the Ohio Basic Child Support Schedule be revised and updated using the most recent United States Department of Agriculture (USDA) estimates of child-rearing expenditures for the Midwest. The proposed Schedule is just one of several recommendations made by the Council to ensure that the child support orders issued in accordance with the Guidelines Schedule and Worksheet adequately provide for the needs of the children subject to the orders. This study focuses on the Council's recommendations to change the economic basis of the Schedule and only addresses the Council's other recommendations that pertain to the development of the proposed Schedule.

State and Federal Guidelines Review Requirements

The Council's recommendations were made as part of the quadrennial guidelines reviewed being conducted by the Council through the Ohio Department of Job and Family Services (ODJFS) to comply with state and federal requirements [Ohio R.C. § 3119.024 and 45 CFR 302.56, respectively]. The federal requirement specifies that a state guidelines review must consider the economic data on the cost of raising children, and revise, if appropriate, its guidelines to ensure that their application results in the determination of appropriate child support award amounts.

Income Shares Principle Is Basis of Ohio Schedule

The Schedule is the core of the Ohio Child Support Guidelines. It shows the basis support obligations for a range of parents' combined gross incomes and number of children in a look-up table format. Under the Income Shares model, which is used by Ohio and 32 other states, the basic support obligation is prorated between the parents according to each parent's share of income. The nonresidential parent's share becomes the basis of the support award and the residential parent's share is presumed to be spent directly on the child.

The basic support obligations reflect estimates of average expenditures on children with similar incomes and family size. The principle is that children of disrupted families— that is, children of divorced, separated, and unmarried parents— are entitled to the same amount of financial resources the children would have received had their parents lived together.

Other Considerations in the Determination of Support

The consideration of the Schedule is just one of the early steps in the determination of the final support award. There are other steps and adjustments (e.g., a reduction to the parent's basic support because of his or her time with the children when there is an exercised parenting time order) recommended by the Council or provided in the existing Guidelines worksheet. Those other steps are not addressed in this study unless they pertain to the development of the proposed Schedule.

Estimates of Child-Rearing Expenditures Underlying Schedules

The 1990 economic study of child-rearing expenditures underlying the current Schedule is outdated. It is based on national family expenditures data collected between 1980-86 and updated to 1992 price levels. In contrast, the 2003 USDA study used to develop the proposed Schedule is based on family expenditures data for the Midwest region collected in 1990-92 and updated to 2004 price levels. The USDA does not produce state specific estimates of child-rearing expenditures. After extensively reviewing the economic methodologies used to estimate child-rearing expenditures, the Council concludes that the USDA estimates of child-rearing expenditures are based on a more reasonable, appropriate and explainable methodology than other estimates of child-rearing

Appendix C: Economic Study

expenditures including the methodology underlying the existing Schedule. The USDA estimates child-rearing expenditures directly for the major family budget items: housing, food, transportation, clothing, health care, child care and education, and miscellaneous goods and services. These estimates are public information, can be readily downloaded from the Internet, and are easy to read. Other methodologies such as the marginal expenditures methodology, which forms the basis of the existing schedule, are obtuse and more difficult to explain to parents and guidelines users. The marginal expenditures methodology estimates child-rearing expenditures by comparing expenditures between two economically well-off families: a married couple with children and a married couple without children. The particular marginal expenditures methodology underlying the existing Schedule uses a percent of family expenditures devoted to adult clothing as a proxy of equally well-off families. Using a percent of family expenditures devoted to adult clothing, alcohol, and tobacco is also an acceptable and standard proxy among economists applying this methodology. Although the use of alcohol and tobacco expenditures may be theoretically sound to economists, it is an obtuse concept to the layperson. Further, the economic methodology underlying the existing Schedule is known to understate actual child-rearing expenditures and is considered the lower-bound of the estimates of child-rearing expenditures.

Steps and Assumptions Underlying Recommended Schedule

There are several steps taken and assumptions made to convert the USDA estimates of child-rearing expenditures into a format similar to the existing Ohio Table and congruent with the existing and recommended provisions of the Ohio Child Support Guidelines. For example, the USDA estimates of childrearing expenditures include child care expenses and the child's health insurance premium; yet, the existing Schedule does not include child care expenses and the child's health insurance premium because the actual amount of these expenses are considered in the guidelines worksheet when calculating the final support award. Further, the USDA provides its estimates as per child amounts in two-parent family with two children, so it must be adjusted to vary with the number of children.

Steps

We took 10 steps to arrive at the recommended schedule from the USDA estimates of child-rearing expenditures.

- *Step 1: Update to 2004 Price Levels.* We updated the USDA estimates from 2003 to 2004 price levels.
- *Step 2: Average Expenditures for Children Ages 0-17 Years.* We averaged child rearing expenditures across the six different age brackets developed by the USDA to arrive at an estimate for children ages 0-17 years.
- *Step 3: Subtract Estimates of Child Care Expenses from USDA Estimates.* An estimate of child care expenses is subtracted from the USDA estimates since actual child care expenses are prorated between the parents and added to base support in the Ohio Guidelines worksheet [Ohio R.C. § 3119.022].
- *Step 4: Subtract the Child's Health Care Expenses from USDA Estimates.* Similar to child care expenses, the child's health care expenses are subtracted from the USDA estimates because the health insurance premium is addressed in the worksheet [Ohio R.C. § 3119.022] and the court may issue a separate order to cover uninsured extraordinary medical expenses such as orthodontia [Ohio R.C. § 3119.05(G)].
- *Step 5: Add Ordinary Medical Expenses to USDA Estimates.* The current Schedule includes \$100 per child per year to cover the child's ordinary medical expenses (e.g., bandages, over-the-counter medicines). Due to escalating health care costs, the amount of ordinary medical expenses has been increased to \$300 per child per year.
- *Step 6: Adjust USDA Estimates of Housing Expenses.* The USDA acknowledges that its estimate of housing expenses may be overstated. The USDA estimates the child's share of housing expenses using a per capita approach. Specifically, one child's share of total housing expenses consists of 25 percent and the two-child's share of total housing expenses consists of 50 percent in a two-parent family with two children. This implies that the family realizes no economies of scale from sharing the kitchen, utilities and other housing expenses and that children cost the same as adults. Concerned by this assumption, most schedule developers relying on

Appendix C: Economic Study

the USDA estimates of child-rearing expenditures substitute another estimate of the children's housing expenses for the USDA estimates. We use the equivalence scale developed by a blue-ribbon panel of scholars appointed by the National Research Council to examine poverty. The Panel also conducted an exhaustive analysis of equivalence scales, which are formulas to convert the relative living costs of one family size to another family size. The application of their recommended formula implies that the child's share of housing expenses in a two-parent family with two children is 31 percent rather than the USDA's estimate of 50 percent.

- *Step 7: Relate Adjusted USDA Expenditures to Incomes.* The total adjusted USDA expenditures on children calculated from Steps 1-6 are converted from dollar amounts (which is how they are reported in the USDA study), to percentages of income to ease the next step.
- *Step 8: Interpolate between Income Ranges.* The USDA estimates are provided for three income ranges. We interpolate between income ranges to provide gradual and incremental increases in support obligations as income increases similar to that provided in the existing Ohio Schedule. Consequently, the formulas used to arrive at the proposed Schedule looks similar to a tax formula, where a base amount is applied to the midpoint of the USDA income range, then a marginal percentage is applied to every dollar above that income midpoint.
- *Step 9: Extend to Lower and Higher Incomes.* We extend the incomes in the Schedule below the midpoint of the lowest income range by assuming the same amount of expenditures devoted to child rearing as those at the midpoint of the lowest income range. The lowest income considered is \$9,310 per year, which is equivalent to the current federal poverty guidelines for one person. This is the Council's recommended self support reserve amount. We extrapolate the Schedule to higher incomes by applying the interpolations from the midpoints between the USDA middle and upper income ranges to incomes above the midpoint of the upper USDA income range. This allows the Schedule to extend to a combined gross income of about \$155,000 per year.
- *Step 10: Adjust for the Number of Children.* We use the USDA formulas to adjust for one, two and three children. However, the USDA estimating equation does discern between families with three or four or more children, so we rely on the National Research Council's equivalence scale, which was also used to adjust housing expenses, to adjust the three-child basic obligations for four and more children.

Summary of Assumptions

The table below summarizes the assumptions used to develop the proposed Schedule and compares it to the assumptions used to develop the existing Schedule.

Summary of Major Differences in Assumptions Underlying Existing and Proposed Child Support Schedule		
	Existing Schedule	Proposed Schedule
Economic Study Underlying Schedule	David Betson (1990) using the the Rothbarth methodology	Mark Lino (2004) using USDA methodology
Year in which Consumer Expenditure Data Collected to Develop Estimates	1980-86	1990-92

Appendix C: Economic Study

Summary of Major Differences in Assumptions Underlying Existing and Proposed Child Support Schedule		
	Existing Schedule	Proposed Schedule
National or Regional Representative	Nationally	Representative of Midwest Region
Price Levels	1992	2004
Ages of the Child	Average for Children Ages 0 -17 Years	Average for Children Ages 0 -17 Years
Child-Rearing Expenses Excluded from Schedule	Child care, the child's health insurance premium & the child's uninsured, extraordinary medical expenses (e.g., orthodontia)	Child care, the child's health insurance premium & the child's uninsured, extraordinary medical expenses (e.g., orthodontia)
Ordinary Medical Expenses Included in Schedule	\$100 per child per year	\$300 per child per year
Self Support Reserve	Incorporated into Schedule	Considered in Guidelines Worksheet
Tax Assumptions	2002 federal and state personal income taxes and FICA	Not necessary, USDA measurements based on gross income

Comparisons of Proposed and Existing Schedule

Most of the basic obligations will increase if Ohio adopts the proposed Schedule. This should be of no surprise given that price levels have increased by 35 percent since the existing Schedule was developed and the existing Schedule is based on estimates of child-rearing expenditures known to understate actual childrearing expenditures and be considered the lower-bound of estimates of child-rearing expenditures.

Nonetheless, some of these increases will be negated by the Council's other recommendations; namely,

- Increasing the self support reserve; and
- Providing an adjustment for exercised parenting time orders.

We provide an excerpt of the side-by-side comparison of the existing to proposed Schedules below. It only considers one to three children because the vast majority of orders are for one and two children. It does not factor in the Council's recommendations to increase the self support reserve or provide an adjustment for exercised parenting time orders. It also does not consider adjustments for child care expenses or the health insurance premium, which may increase to decrease the award amount depending on which parent incurs the expense.

The raw side-by-side comparison suggests that the largest increases will be at the lower and middle incomes. In part, this is because the estimates of child-rearing expenditures underlying the existing Schedule capped total family expenditures such that they could never exceed the family's income; yet, other evidence suggests these families spend more than their income. This effectively further lowered the estimates of child-rearing expenditures for this income range. The USDA estimates do not impose a similar cap.

Comparison of Existing and Proposed Child Support Schedules One through Three Children						
Combined Adjusted Gross Income	One Child		Two Children		Three Children	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
15000	2976	3722	4342	6004	4996	6934
30000	5377	6794	7792	10958	9179	12656
45000	6898	7978	9989	12868	11760	14863
60000	8000	9165	11529	14782	13522	17073
75000	9369	10357	13487	16705	15791	19294
90000	10663	11549	15335	18627	17942	21515
105000	11892	12741	17104	20550	20034	23735
120000	12991	13941	18718	22485	21953	25970
135000	14099	15141	20343	24420	23887	28205
150000	15218	16340	21971	26355	25823	30441

1. Mark Lino, *Expenditures on Children by Families: 2003 Annual Report*, U.S. Department of Agriculture (USDA), Center for Nutrition and Policy Promotion. Miscellaneous Publication No. 1528-2003, Washington D.C. (2004). Available at: <http://www.usda.gov/cnpp/Crc/crc2002.pdf>

2. David M. Betson, *Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey*, Report to U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, University of Wisconsin Institute for Research on Poverty, Madison, Wisconsin (1990).

3. Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines*, Report to U.S. Department of Health and Human Services (Office of the Assistant Secretary for Planning and Evaluation), Lewin/ICF, Fairfax, Virginia. (October 1990).

4. Lino (2004), page 5.

5. Constance F. Citro and Robert T. Michael, Editors. *Measuring Poverty: A New Approach*, National Academy Press, Washington, D.C. (1995).



Appendix D: Voting Record

Appendix D: Voting Record

2005 Child Support Guidelines Council Voting Record

Key: Y = Yes, N = No, A = Abstain, X = Absent

	Vote Number												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Bond, Anthony <i>Wylar, Stephen – alternate</i>	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Bridges, Kim Newsom <i>Rod Hamilton – alternate</i> <i>Teresa Ellison – 04-15-04</i>	A	Y	A	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Cade, Daniel <i>Hamilton, Rod – alternate</i>	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Corzine, William J. <i>John DiCesare – alternate</i>	Y	Y	Y	X	Y	Y	Y	Y	N	Y	Y	N	Y
Crafter, Odella Lampkin	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Dann, Mark	X	X	X	X	X	X	X	X	X	X	X	X	X
Kline, Debbie <i>Loretha Young – alternate</i> 6/10/03 - Debbie Kline replaced Carrie Davis as ACES representative. 9/29/03 – Loretha Young named as temporary alternate.	N	N	Y	X	Y	Y	Y	Y	A	Y	Y	Y	Y
Fleischman, David <i>Susan DeVol – alternate</i> 1-21-04 – Susan DeVol replaced Lee Ann Cooper as alternate	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Gilb, Mike <i>Bob Reed – alternate</i>	X	X	X	X	A	A	A	A	A	A	A	A	A
Harwood, Sandra <i>Lawrence Tripodi – alternate</i>	X	X	X	X	Y	Y	Y	Y	N	Y	Y	Y	Y
Hubin, Don <i>Inzetta, Mark – alternate</i>	Y	Y	Y	Y	X	X	X	X	X	X	X	X	X
Jordan, James <i>Cordonnier, Maria – alternate</i> 01-15-04 Wendy Johnson – new alternate	Y	A	Y	Y	Y	Y	Y	A	A	A	Y	A	Y
Lilly, Paulette J. <i>Jody Barilla – alternate</i>	Y	N	Y	Y	X	X	X	X	X	X	X	X	X
Meyer, Richard A.	Y	X	X	X	Y	Y	Y	Y	N	Y	Y	Y	Y
Nicely, Judith <i>Kovack, Mary – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Pekar, Pat <i>Rod Hamilton – alternate</i>	Y	Y	Y	Y	X	X	X	X	X	X	X	X	X
Reidelbach, Linda <i>Bob Reed – alternate 04-15-04</i>	X	X	X	X	X	X	X	X	X	X	X	X	X
Smalz, Mike	N	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Smith, Jason <i>Rich Bitonte – alternate</i>	Y	Y	Y	X	Y	Y	Y	Y	N	N	Y	Y	Y
Spada, Robert	X	X	X	X	X	X	X	X	X	X	X	X	X
Stafford, Barbara <i>Cooper, Sara – alternate</i>	Y	Y	Y	X	Y	Y	Y	Y	N	Y	Y	Y	Y
Taggart, Thomas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Widener, China	Y	A	Y	X	Y	Y	Y	Y	N	Y	Y	N	Y

Appendix D: Voting Record

2005 Child Support Guidelines Council Voting Record

Key: Y = Yes, N = No, A = Abstain, X = Absent

	Vote Number												
	14	15	16	17	18	19	20	21	22	23	24	25	26
Bond, Anthony <i>Wylar, Stephen – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bridges, Kim Newsom <i>Rod Hamilton – alternate</i> <i>Teresa Ellison – 04-15-04</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cade, Daniel <i>Hamilton, Rod – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
Corzine, William J. <i>John DiCesare – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Crafter, Odella Lampkin	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dann, Mark	X	X	X	X	X	X	X	X	X	X	X	X	X
Kline, Debbie <i>Loretha Young – alternate</i> <small>6/10/03 - Debbie Kline replaced Carrie Davis as ACES representative. 9/29/03 – Loretha Young named as temporary alternate.</small>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fleischman, David <i>Susan DeVol – alternate</i> <small>1-21-04 – Susan DeVol replaced Lee Ann Cooper as alternate</small>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Gilb, Mike <i>Bob Reed – alternate</i>	A	A	A	A	A	X	X	X	X	X	X	X	X
Harwood, Sandra <i>Lawrence Tripodi – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	X	X	X	X
Hubin, Don <i>Inzetta, Mark – alternate</i>	X	X	X	X	X	Y	Y	N	Y	Y	A	Y	Y
Jordan, James <i>Cordonnier, Maria – alternate</i> <small>01-15-04 Wendy Johnson – new alternate</small>	Y	Y	Y	Y	Y	X	X	X	X	X	X	X	X
Lilly, Paulette J. <i>Jody Barilla – alternate</i>	X	X	X	X	X	Y	Y	Y	Y	Y	Y	Y	Y
Meyer, Richard A.	Y	Y	Y	Y	Y	Y	Y	N	Y	X	X	X	X
Nicely, Judith <i>Kovack, Mary – alternate</i>	Y	Y	Y	Y	Y	Y	Y	X	Y	Y	Y	Y	Y
Pekar, Pat <i>Rod Hamilton – alternate</i>	X	X	X	X	X	Y	Y	Y	Y	Y	Y	Y	Y
Reidelbach, Linda <i>Bob Reed – alternate 04-15-04</i>	X	X	X	X	X	X	X	X	X	X	X	X	X
Smalz, Mike	Y	Y	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y
Smith, Jason	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Spada, Robert	X	X	X	X	X	X	X	X	X	X	X	X	X
Stafford, Barbara <i>Cooper, Sara – alternate</i>	Y	Y	Y	Y	Y	X	X	X	X	Y	Y	Y	Y
Taggart, Thomas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Widener, China	Y	Y	Y	Y	Y	X	X	X	X	Y	Y	Y	Y

Appendix D: Voting Record

2005 Child Support Guidelines Council Voting Record

Key: Y = Yes, N = No, A = Abstain, X = Absent

	Vote Number											
	27	28	29	30	31	32	33	34	35	36	37	38
Bond, Anthony <i>Wylar, Stephen – alternate</i>	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Bridges, Kim Newsom <i>Rod Hamilton – alternate</i> <i>Teresa Ellison – 04-15-04</i>	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Cade, Daniel <i>Hamilton, Rod – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N
Corzine, William J. <i>John DiCesare – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Crafter, Odella Lampkin	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Dann, Mark	X	X	X	X	X	X	X	X	X	X	X	X
Kline, Debbie <i>Loretha Young – alternate</i> 6/10/03 - Debbie Kline replaced Carrie Davis as ACES representative. 9/29/03 – Loretha Young named as temporary alternate.	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	X
Fleischman, David <i>Susan DeVol – alternate</i> 1-21-04 – Susan DeVol replaced Lee Ann Cooper as alternate	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Gilb, Mike <i>Bob Reed – alternate</i>	X	X	X	X	X	X	X	X	X	X	X	X
Harwood, Sandra <i>Lawrence Tripodi – alternate</i>	X	X	X	X	X	X	X	X	X	X	X	X
Hubin, Don <i>Inzetta, Mark – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Jordan, James <i>Cordonnier, Maria – alternate</i> 01-15-04 Wendy Johnson – new alternate	X	X	X	X	X	X	X	X	X	X	X	X
Lilly, Paulette J. <i>Jody Barilla – alternate</i>	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Meyer, Richard A.	X	X	X	X	X	X	X	X	X	X	X	X
Nicely, Judith <i>Kovack, Mary – alternate</i>	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y
Pekar, Pat <i>Rod Hamilton – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Reidelbach, Linda <i>Bob Reed – alternate 04-15-04</i>	X	X	X	X	X	X	X	X	X	X	X	X
Smalz, Mike	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Smith, Jason	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Spada, Robert	X	X	X	X	X	X	X	X	X	X	X	X
Stafford, Barbara <i>Cooper, Sara – alternate</i>	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Taggart, Thomas	Y	A	Y	Y	N	N	Y	Y	Y	Y	Y	Y
Widener, China	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y

Appendix D: Voting Record

The following votes occurred on 04/23/03

1. Vote to focus council's work on Ohio's current child support guidelines model, Income Shares. Results: 14 yes; 3, no; 1 abstention. Motion passed.
2. Vote to hold community forums. Results: 10 yes; 4 no; 3 abstentions; Motion passed.
3. Vote to adopt "Plan B" of Deviations Subcommittee proposal for deviations study. 16 yes; 1 abstention. Motion passed.
4. Vote to approve Deviations Subcommittee Survey plan as discussed. 12 yes; 0 no; 0 abstention.

The following votes occurred on 05/27/04

5. To carry recommendation on Methodology for Child Cost Estimate forward: Yes = 16, No = 0; Abstention = 1
6. To carry recommendation to use gross income to calculate child support forward: Yes = 16, No = 0; Abstention = 1
7. To defer overtime and second job issue to Deviations Subcommittee: Yes = 16, No = 0; Abstention = 1
8. To carry Cost of Living Adjustments (COLAs) Updating Child Support Table (Schedule) with changes: Yes = 15, No = 0; Abstention = 2
9. To change "shall" to "may" in Institutional Care Costs recommendation: Yes = 4, No = 10; Abstention = 3
10. To amend language in 2151.36.2 in Institutional Care Costs recommendation: Yes = 14, No = 1; Abstention = 2
11. To add "administration or" to subcommittee's amendment: Yes = 16, No = 0; Abstention = 1
12. To keep the word "shall" in 2151.36.2 and change "the" parent, guardian . . . to "any" parent, guardian . . . : Yes = 9, No = 6; Abstention = 2

13. To adopt Institutional Care Cost recommendation as amended: Yes = 16, No = 0; Abstention = 1
14. To adopt Post-Secondary Education Costs recommendation: Yes = 16, No = 0; Abstention = 1
15. To adopt Calculation of Child Support in Third-Party Custody Cases recommendation with changes: Yes = 16, No = 0; Abstention = 1
16. To adopt parts 2, 3, 4, and 5 with edits to the Changes in Deviation Factor recommendation: Yes = 16, No = 0; Abstention = 1
17. To reword ORC 3119.22 Deviations from Guidelines: Yes = 15, No = 0; Abstention = 2
18. To adopt Changes in Deviations Factor recommendations with changes: Yes = 15, No = 0; Abstention = 2

The following votes were taken on 6/17/04.

19. To adopt the recommendation to Impute Income as amended: Yes = 16, No = 0; Abstention = 0
20. To move the Support in Split Custody Cases when one parent has -0- income recommendation to the Deviations subcommittee for further review: Yes = 16, No = 0; Abstention = 0
21. To adopt the Estimating Housing, Transportation and Miscellaneous Child-Rearing Costs recommendation which states that the per capita method will be used when calculating costs: Yes = 14, No = 2; Abstention = 0
22. To reword the Low Income Obligor recommendation to read, "**Upon the table adjustment every four years**, the self support reserve should be changed to the current year's federal poverty guideline for one person," and to carry this amended recommendation: Yes = 16, No = 0; Abstention = 0

Appendix D: Voting Record

The following votes were taken on 7/22/04.

23. To amend the language of the Age of Emancipation for duty of support in child support cases recommendation to the word **“in”** instead of **“pursuant to”**: Yes = 16, No = 0; Abstention = 0.
24. To carry the Age of Emancipation for duty of support in child support cases recommendation: Yes = 14, No = 1; Abstention = 1.
25. To amend the language of the Imputing Income recommendation to add the words **“shall not”**: Yes = 16, No = 0; Abstention = 0
26. To amend the language of the Imputing Income recommendation to add the words **“or”** and **“thus”** to the opening paragraph: Yes = 16, No = 0; Abstention = 0
27. To adopt the Imputing Income recommendation as amended: Yes = 16, No = 0, Abstention: 0
28. To accept the amended definition of Caretaker: Yes = 15, No = 0; Abstention = 1
29. To amend the Proposed Enumeration Standing Chart by adding the word **“child”** on the support side of the chart instead of the current **“N/A”**: Yes = 16, No = 0; Abstention = 0
30. Motion to have the Statutory Language Subcommittee break out over lunch and change the conceptual statement: Yes = 16, No = 0; Abstention = 0
31. To amend the conceptual statement: Yes = 15, No = 1; Abstentions = 0
32. To amend the RC 3119.07 section of the caretaker recommendation by deleting the proposed changes suggested in the last full council meeting in paragraph A, adding the word **“gross”** in paragraph B, and in paragraph C1 adding the words **“has physical custody”**, **“or agency”** after the word **“court”**: change **“shall”** to **“may”**: and add **“or redirect pursuant to RC 3121.46”** after the work issue, and deleting paragraph C2: Yes = 15, No = 1 Abstention = 0
33. To carry Parenting time Adjustment; Adjustment for all cases with Parenting Time Orders as an attempt to recognize that expenses occur in both households recommendation: Yes = 12, No = 4; Abstentions = 0
34. To add **“per year”** after 130 overnights and 164 overnights for clarification: Yes = 15, No = 1; Abstention = 0
35. To amend the end of bullet one so it states, **“If the court declines to grant a deviation the court shall specifically state in the order the facts that are the basis for this decision.”** And after paragraph two it should read, **“If the court declines to grant a substantial deviation the court shall specifically state in the order the facts that are the basis for this decision”**: Yes = 5, No = 11; Abstention = 0
36. To amend the second bullet point, which would make it read, **“If the court declines to grant a substantial deviation the court shall specifically state in the order the facts that are the basis for this decision”**: Yes = 15, No = 1; Abstention = 0
37. To carry the Parenting Time Adjustment: Utilizing Deviations to Recognize Extended Parenting Time recommendation: Yes = 15, No = 1; Abstention = 0
38. To delete all of the proposed statute changes and keep the conceptual statement, **“A statute should be enacted to require a court or C.S.E.A. making a support order to determine if other courts have made support orders for other children of both parties and to fix support so that the total of all support orders for children of these parents is the same as if support had been determined for all the children in one proceeding”**: Yes = 14, No = 1; Abstention = 0

