

Meeting Agenda

2013 Child Support Guidelines Advisory Council

August 24, 2012

10:00 am to 2:00 pm (1 hour working lunch)

Discussion Items:

➤ **Outreach**

- Approval of July 27 Minutes (attached for your review)
- Web Page Updates
 - Minutes
 - Meeting times and locations
 - Previous Council reports
- October Public Feedback Meeting
- Web Site Comments

➤ **Deviation Study**

- Review of plan (Steven Schlatter, OCS)

➤ **Post Termination Arrears Payoff Orders**

- Review of statutes and proposed alternative amendments (Mike Smalz, Ohio Poverty Law Center)

➤ **Open Discussion on Obligations as a Percentage of Obligor Income**

Reminder:

- **It was agreed at the last meeting to work through lunch – so, you can bring your lunch with you (we have a refrigerator) or you can order lunch.**

Child Support Guideline Advisory Council

Meeting Minutes

July 27, 2012

Present: Phyllis Carlson-Riehm, Micah Derry, Christine Dobrovich, Jenelle Donovan-Lyle, Serpil Ergun, Sarah Fields, David Fleischman, Michelle Master-Haines, Rod Hamilton, Tim Hennessy, Kim Henry, Brian Kessler, Steve Killpack, Erik Mikkelson, Kim Newsom-Bridges, Alan Ohman, Rep. Dorthy Pelanda, Amy Rice, Steve Schlatter, Mike Smalz.

Next meeting: September 19, 2012, 10:00am-3:00pm, Room A535 of the OCS/Lazarus Building

Outreach

Approval of Minutes:

No comments were received and meeting minutes were approved. Minutes will be posted on the CSGAG web site.

Web Page Updates:

Put a roster of members and previous council reports on the web as well as meeting times and locations.

October Public feedback Meeting:

The October 19, 2012 meeting will be open to the public for participation, statements and testimony.

Web Site Comments:

We have received thirteen e-mail comments most were case specific and those were forwarded to the OCS call center.

Any comments related to the child support guidelines will be forwarded to the council for discussion.

Rod Hamilton wanted to know if the council will have access to the e-mails so that council members can respond. **Action Item:** Dave indicated OCS will provide incoming comments to the council prior to each meeting for discussion.

Deviation Study

Steven Schlatter presented a slide show (attached) about the past three deviation studies, and included a proposed questionnaire (attached) and Revised Code 3119.23. The 2001 study was completed by a private contractor and the studies from 2005 and 2009 were completed by the state. All three studies had similar results.

The study looks at how often the deviation factors are used, what deviation factors were used, and if courts are using specific deviation factors as outlined by statute or other relevant factors that were involved.

Mike Smalz asked what the time period for study would be and the response was that the study would occur during early November.

It was discussed that the data would be gathered from CSEA reviews of incoming court orders received during the review period. Jenelle Donovan-Lyle asked if the counties' participation would be voluntary and it was confirmed county CSEA would be asked to participate on a voluntary bases to collect data for the study. Tim Hennessy suggested using Survey Monkey.

Mike Smalz mentioned that the collateral sanction law that will go into effect on September 28, 2012 includes child support guidelines such as prior felony convictions and overtime. He also suggested that we may want to add questions to the survey. Dave indicated that the office would review this. **Update:** The office reviewed legislation and determined that the change in the legislation was not to the deviation factors listed in the survey but to the definition of voluntarily unemployed or under-employed and factors that lead to imputation of income.

Post Termination Arrears Payoff Orders

Mike Smalz presented his research on the relevant statute and recommended three variations of revised language to address the issue (attached). His first recommendation was to remove the last sentences of RC sections 3121.36 and 3123.14 which require a liquidation order of any arrears remaining after

termination of the support obligation be at least equal to the amount withheld or deducted prior to termination.

During the discussion it was noted that the provision is useful for establishing a baseline payment obligation at termination. Sarah Fields suggested that the provisions be modified to parallel the rebuttable presumption provisions found in RC 3123.21(B) related to default proceedings, to require the payment of the amount withheld or deducted prior to termination.

Michelle Masters-Haines noted that guidance would be needed for CSEAs to resolve a request to modify the liquidation order on administrative-only cases. There was also discussion whether to establish a process for modification requests received after the termination process is completed. Kim Newsom-Bridges noted there is language in pending House Bill 561 related to the discussion of modifying the arrears payment when there is a current obligation and that language should be reviewed in light of this discussion.

Action Item: Mike Smalz will draft proposed language adopting the rebuttable presumption suggestion and send it to OCS for distribution to the Council prior to the next meeting.

Open Discussion

Dave opened the discussion by referencing three handouts containing charts for 1, 2, and 3 child support obligations as a percentage of obligor income (attached). It was indicated they would be useful for discussion in subsequent meetings.

He then discussed the "Assessing Arrears In Ohio" paper and its correlation of arrears accrual with levels of reported income. The paper indicated that 69% of arrears accrued in Ohio were owed by individuals with no reported income or reported income less than \$10,000; 31% of arrears accrued in Ohio were owed by individuals with reported income greater than \$10,000; and, further, that of the 31% it was determined that only 5% of the arrears were owed by individuals with reported income over \$40,000.

It was identified that these figures were based on reported income, and therefore income subject to federally mandated withholding.

Dave presented a spreadsheet showing the effect of mandatory expenditures

There is not enough money to satisfy the expenses of two households; that is inherent in the situation these parties face; it was further noted that multiple order situations

Other items

Mike Smalz of the Ohio Poverty Law Center asked whether the Council could review a topic of concern to his organization: the current Ohio statutes that require, upon termination of a support order, that any arrearage liquidation obligation should equal the amount of the support obligation prior to termination. Mike indicated that there are circumstances in which this requirement is unjust or inappropriate, but that several Ohio appellate courts have determined that the language in the statutes do not allow for deviation from, or modification of the ordered payment on arrears. Dave asked Mike to provide further information, including alternative recommendations, for the next meeting.
