

Child Support Guidelines Advisory Council

July 27, 2012 Meeting Minutes

50 W. Town Street, 5th Floor

10:00 a.m. – 3:00 p.m.

Attending

Phyllis Carlson-Riehm, Christine Dobrovich, Jennelle Donovan-Lyle, Lindsey English, Serpil Ergun, Sarah Fields, David Fleischman, Michelle Master-Haines, Shelby Hartley, Tim Hennessy, Kim Henry, Eric Johnson, Brian Kessler, Steve Killpack, Kim Newsom-Bridges, Alan Ohman, Becki Park, Amy Rice, Steve Schlatter, Mike Smalz, Kayla Smith, Edward Stockhausen.

Next meeting

The next meeting is on Friday, August 24, 2012 from 10:00 a.m. - 2:00 p.m. (with a working lunch). Council members agreed in today's meeting to forward the topics they would like to discuss to OCS to be forwarded to all members.

Welcome and Housekeeping Issues

Members of the Council introduced themselves and were welcomed by OCS Programs Bureau Chief David Fleischman, who will facilitate the Council. The Council reviewed the contents of the 2013 CSGAC power point handouts, including future meeting dates and times. Parking and travel reimbursement will be available, and electronic versions of the reimbursement documents will be sent to Council members. Anyone requesting reimbursement should send their documents or questions to Brian Kessler at brian.kessler@jfs.ohio.gov. The group agreed to work through lunch and end meetings closer to 2:00 pm to accommodate the long distance travelers on the council.

Guidelines Review Requirements & History

David and various Council members briefly discussed the requirements behind the Ohio child support guidelines and the guidelines council. To summarize: under federal law states are required to implement a guidelines methodology that is mandatory statewide which generates appropriate support awards that are rebuttably presumed to be correct in every judicial and administrative proceeding.

In Ohio there are two primary components used to establish support. A basic schedule of obligations, last updated in 1992, is a grid chart that produces a total support obligation amount based on the income of the parties and the number of children subject to the order. A corresponding guidelines worksheet gathers income and deduction information and produces the rebuttably correct support obligation for each parent.

Federal law requires that states review their guidelines methodology every four years to ensure that the state methodology results in the determination of appropriate child support award amounts, and, using case data, to review deviations from the presumptively correct amount. In Ohio the law requires the Department of Job and Family Services to review the basic child support schedule and worksheets to determine whether the methodology adequately provides for the needs of children, prepare a report of its review, and submit the report to the General Assembly. A Guidelines Advisory Council is to be established to provide input and assist in the review.

Prior to this Council, each of the previous five Child Support Guidelines Advisory Councils have conducted economic studies to determine whether the existing schedule of obligations meets the needs of children. In each case the review resulted in a recommendation to the General Assembly to update the basic schedule.

The last two Councils (2005 and 2009) have recommended adoption of a methodology that will result in the automatic update of the basic schedule by Department rule every four years, based on annually updated United States Department of Agriculture data on the cost of raising children. Other significant recommendations included a fixed worksheet credit to recognize costs associated with parents that are subject to a standard parenting time order; a methodology or deviation to credit additional costs associated with extended parenting time; and updates/clarifications to deviation factors found in Ohio law. Two recommendations from these Councils have resulted in statutory changes with the recent passage of SB 337: adjustments to income imputation laws; and coordination of multiple support orders involving the same parents.

Dave reported that the Department will undertake a deviation study on behalf of the Council. An individual from the Office of Child Support will lead the study, basing its methodology on deviation studies conducted on behalf of previous Councils.

2013 Child Support Guidelines Advisory Council

The Department is asking the 2013 CSGAC to focus its review on the topic of the relationship between support obligations and income of support obligors. David presented the Council with a set of research papers that bear on the topic of income, obligations, and the accumulation of child support arrears. These include the following papers:

- Turetsky - Realistic child support policies for low income fathers (2000)
- Hu & Meyer - Do high order orders discourage payments? (2003)
- Formoso - Determining the composition and collectability of child support arrears (2003)
- Sorensen, Sousa, & Schaner - Assessing Arrears in Nine States Study (2007)
- Sorensen, Sousa, & Schaner - Assessing Arrears in Ohio (final draft of Ohio portion of the nine state study)
- Formoso & Liu - Arrears Stratification Report Final (2010)
- Takayesu - How do child support order amounts affect payments and compliance (2011)

In addition, David presented information on obligations as a percentage of income (based on the current basic schedule, and on the proposed USDA schedule of obligations recommended by the 2009 CSGAC) for 2 child support orders; data on child support collection performance over the last decade; demographic information on the population of non-paying obligors; and collection data based on case type (e.g., current assistance, former assistance, and never assistance cases). David indicated that the Department is seeking the assistance of federal data administrators in acquiring quarterly wage data related to the Ohio child support case load for the use of the Council. David also indicated that he would provide data on 1 child and 3 child support orders (again, based on current and 2009 recommended obligation schedules).

Outreach

A web page has been established on the ODJFS internet site to provide information to the public about the 2013 CSGAC. The webpage will provide information about meeting dates, times and locations; minutes from each meeting; and other information as needed. The webpage will also provide individuals the ability to send an email to the Council with their comments.

The link to the webpage is:

<http://jfs.ohio.gov/Ocs/employers/OCSGuidelinesCouncilOverview.stm>

David indicated that, although meetings of the Council are open to the public, it would be appropriate for the Council to set aside a specific meeting to allow members of the public an opportunity to address the Council. He suggested the October meeting.

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.