



Department of
Job and Family Services

Report to the General Assembly

Ohio's Child Support Guidelines

Presented by:

Douglas E. Lumpkin, Director
Ohio Department of Job and Family Services

Respectfully Submitted to:

The Honorable Bill Harris, President
Ohio Senate

and

The Honorable Armond Budish, Speaker
Ohio House of Representatives

June 2009

Final Report of the 2009 Child Support Guidelines Advisory Council

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Department of
Job and Family Services

Ted Strickland, Governor
Douglas E. Lumpkin, Director

June 30, 2009

Mr. Douglas E. Lumpkin, Director
Ohio Department of Job and Family Services
30 East Broad Street, 32nd Floor
Columbus, Ohio 43215

Dear Director Lumpkin:

Ohio is required to review the basic child support schedule every four years to determine whether child support orders issued in accordance with the schedule and associated worksheets adequately provide for the needs of children. Ohio convenes a Child Support Guidelines Advisory Council to assist with this review.

With great respect, the fifth Ohio Child Support Guidelines Advisory Council submits this final report. This report incorporates the recommendations and findings of the interim report submitted in March 2009.

The Council's report contains a comprehensive set of recommendations to address complex, challenging issues facing the child support program. Members of the Council included legislators, judges, magistrates, attorneys, county professionals, association members, those who pay child support, and those who receive child support. The group invested countless hours into the project, and their dedication to the children and families of Ohio is much appreciated. We believe that the networks developed within the Council will continue to be valuable, even now, after the Council has completed its work.

The Council believes that the recommendations, if implemented, will result in an improved system that meets the needs of children who are subject to child support orders.

Again, we thank the members of the Council for their work and thank the Department for the opportunity to assist in the review. We are honored to have contributed to this effort.

Sincerely,

Carri Brown, Co-Chair
2009 Child Support Guidelines Advisory Council

David Fleischman, Co-Chair
2009 Child Support Guidelines Advisory Council

Introduction

2009 Child Support Guidelines Advisory Council

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** Indicates voting member*

Summary

On March 1, 2009, the 2009 Child Support Guidelines Advisory Council submitted an interim report to the Director of the Ohio Department of Job and Family Services (ODJFS). The interim report contained seven recommendations, all of which are incorporated into this final report of the Council. The final report also includes the results of the economic study which was completed after submission of the interim report.

The statutorily mandated make-up of the Council resulted in a wide ranging analysis of the child support guidelines and related matters. The Council includes not just child support professionals, judges, and legislators, but also child support obligees and obligors. Each constituent representative brings a unique perspective to the Council and necessarily drives the Council to a holistic view of the guidelines; conversely, no single issue brought to the Council is viewed through the eyes of a sole interest group. Therefore, the support for any one council recommendation was often predicated on the passage of another, and the success of one recommendation is often dependent on the success of another. Ultimately, the discussions and negotiations of the Council have resulted in a series of inter-connected recommendations which, if fully adopted and implemented as a whole, will have a greater impact than the sum of the constituent parts.

The 2009 Council confronted several significant issues: consumer prices have increased 50% since the basic child support schedule was last updated fifteen years ago; noncustodial parents have consistently advocated for a parenting time adjustment; and the implementation of new federal medical support regulations has proven to be a challenge for CSEAs and courts. The Council addressed these and other issues based on members' professional experiences and observations, public input, research and analysis of economic data, as well as a review of the work of previous Guidelines Advisory Councils.

History

Effective October 1, 1987, federal regulations required each state to establish guidelines for child support awards as a condition of approval of the state's child support program plan. As a result of the federal mandate, on October 1, 1987, the Ohio Supreme Court issued the state's first child support guidelines in Supreme Court Superintendence Rule 75.

The Federal Family Support Act of 1988 expanded the federal child support guidelines requirement. Effective October 1, 1989, any child support obligation calculated pursuant to the child support guidelines is rebuttably presumed to be the correct amount of child support due. The Federal Family Support Act of 1988 also mandated that every four years, each state must conduct a review of its child support guidelines to ensure that application of the guidelines continues to result in appropriate child support award amounts.

On April 12, 1990, the Ohio Supreme Court repealed Rule 75 to coincide with the effective date of Amended Substitute House Bill 591, which was passed by the 118th General Assembly. The child support guidelines became law as part of section 3113.215 of the Revised Code; later recodified in Chapter 3119 of the Revised Code.

Mission

In accordance with section 3119.024 of the Revised Code, ODJFS is required 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. For each review, ODJFS is required to establish a Child Support Guideline Advisory Council to assist in the completion of the review and a subsequent report which is submitted to both houses of the General Assembly.

Membership

Ohio law requires the Child Support Guidelines Advisory Council to consist of:

- Child support obligors
- Child support 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 2 from the same party)
- Three members of the House of Representatives appointed by the Speaker of the House (no more than 2 from the same party)

ODJFS recruited members for the 2009 Child Support Guidelines Advisory Council consistent with the statutory requirement found in section 3119.024 of the Revised Code. Unlike previous years, the Council had the most trouble recruiting child support obligees for the Council. The Council made every attempt to solicit input from obligees and routinely sent materials to an obligee advocacy organization.

Public Feedback Efforts

The Guidelines Advisory Council sought feedback and input from the community at large by conducting public forums across the state, by providing a website for public comments, and by inviting interested individuals to address the Council. During each community forum, the Council provided an overview of the guidelines, the history of the child support program, and the overall purpose of the Council. There were numerous issues discussed during the community forums. These issues were often linked with the child support guidelines, such as how child support is calculated when there are multiple families with children involved, how the credit for child care costs is calculated, the need for adjustments to the child support obligation based on parenting time, the treatment of low income obligors, and the imputation of income, taking into account estimated or potential income. Participants were asked to provide input or feedback in any way they felt comfortable. Formal testimony was accepted, as were suggestions placed in a private suggestion box. In addition to the community forums, parents and stakeholders had the opportunity to provide input and feedback on-line. A website was available for written comments for four months. The Council's report includes the input and feedback received from the community forums.

Deviation Study

The Council initiated a study to determine how frequently courts are deviating from the basic child support schedule and identify statewide trends utilizing the deviation criteria described in the section 3119.23 of the Revised Code. Nine child support enforcement agencies participated in the study by completing a review of every new or modified child support order received within a four week period. The results of the deviation study can be found in Appendix B.

Economic Study

As part of the State's guidelines, the State must consider economic data on the cost of raising children and analyze case data on the application of, and deviations from, the guidelines. The guidelines (per 45 CFR 302.56) must, at a minimum:

- Take into consideration all earnings and income of the non-custodial parent;
- Be based on specific descriptive and numeric criteria and result in a computation of the support obligation;
- Provide for the child(ren)'s health care needs through health insurance or other means.

In July of 2008, ODJFS issued a Request for Proposals for an economic study and no responses were received. An additional Request was issued in August of 2008 and no responses were received. A single source contract was then pursued with an independent contractor who had previous experience in conducting the study. The contract with the economist was finalized in January 2009, and the Council was presented with a final report from the economist in April 2009.

At the request of the Council, the economist calculated a new basic child support schedule using US Department of Agriculture methodology utilizing the most current economic data available. The economic study contains a comparison of the economic assumptions that underlie the existing basic child support schedule and the assumptions provided by the Council for creating a new schedule; a comparison of methodologies for calculating the basic child support schedule; a justification for adjusting the housing expenditure figures; and an updated basic child support schedule.

Recommendations

The final report of the Council contains the recommendations that were part of the interim report, as well as new recommendations that were approved after submission of the interim report. The final report contains a set of comprehensive and interconnected recommendations, all of which are intended to ensure that Ohio's child support guidelines adequately provide for the needs of the children who are subject to child support orders. The recommendations made by the Council are closely related, and support for any one recommendation was often predicated on the passage of another. For example: The Council had concerns about the impact of higher support obligations resulting from an updated basic child support schedule. Support for the update was dependent upon the passage of two other recommendations: the parenting time adjustment and the self support reserve. The 8.75% standard parenting time adjustment will offset a portion of the increase in the schedule amounts, and the self-support reserve test will prevent obligors that are at or near the poverty level from being disproportionately impacted by the increase. Thus, the "sticker shock" of updating the schedule is offset by other recommendations made by the Council.

In a few instances below the Department has included comments based on the review within the Department of the substance of the recommendations.

Executive Summary of Approved Recommendations

Local Tax Adjustment and Work Related Deductions

The adjustment for local taxes has a negligible effect on the final obligation and should be removed. Work-related deductions should be extraordinary in nature and should be identified as a potential reason for a deviation from the presumptive child support obligation.

Imputing Income

Clarify what income should be excluded from the support calculation and under what circumstances the court or support enforcement agency may not impute income to an individual.

Deviation Factors

Improve the application of deviations in child support cases by clarifying the existing deviation factors and simplifying the standard for granting a deviation.

Multiple Support Orders for the Same Family

When multiple child support orders exist for children of the same parents, the aggregate child support order amount should not exceed the amount that would have been ordered if all children had been addressed in the same child support order and at the same time.

2% Processing Charge

Clarify that the processing charge is to be imposed upon the child support order and should not be part of the child support worksheet.

Administrative Review of Court Ordered Deviations

During an administrative review and adjustment of a child support order, the support enforcement agency should assume that the grounds for any previously granted deviations are ongoing and do

not require an adjustment. Parties wishing to object to the findings may appeal directly to the court.

Amendments to Credits for Other Support Obligations

Each parent should be given a credit equal to one-half of the federal income tax exemption for each child the parent has a duty to support.

ODJFS Comment

Currently, the Revised Code provides for a credit for child support paid on one case when support is being established on another. The rationale is that an individual's existing child support obligation has a significant impact on the obligor's income and ability to pay on another case. The Council raised issues of fairness with the credit: Why a credit for support paid and not support owed? Does the credit harm the second child by reducing the obligor's income? Will the courts see an increase in the number of requests for deviations based on the change to the credits? In response to these concerns, the Council recommended removing the credit altogether.

In addition to removing the child support credit, the Council has made a recommendation concerning the amount of the standard credit for each child that the parent has the duty to support. Currently, there is a credit for the entire income tax exemption amount for each child the parent has a duty to support. The Council has recommended reducing the credit to one-half of the income tax reduction amount.

While the intent of the Council is to bring equity in the allocation of income credits, the reduction and removal of credits could have the effect of overstating an individual's actual ability to pay all of their support obligations. As noted below in the discussion of actual versus estimated health insurance costs, ODJFS believes that when actual cost data can be gathered without undue burden, and the use of the actual data will result in an obligation crafted to the actual circumstances of the parents, actual data should be used.

Update the Methodology and Economic Assumptions of the Basic Child Support Schedule

The basic child support schedule should be updated with the most current economic data using the USDA methodology for estimating actual expenditures.

ODJFS Comment

The Department recognizes the interdependence of the recommendations for the schedule update, the self-support reserve, minimum support obligations, and parenting time adjustments. Each of these recommendations should be considered in light of the others.

Periodic Updates of the Basic Child Support Schedule via Rule

The updated basic child support schedule should be adopted into the Ohio Revised Code and ODJFS should be given rule-making authority to update the schedule every four years using US Department of Agriculture methodology.

Minimum Child Support Orders

The statutory minimum child support order should be adjusted to reflect an amount consistent with the increase in the federal poverty level, and child support enforcement agencies should be authorized to issue minimum child support orders.

ODJFS Comment

The recommendation for an increase in minimum child support orders to keep pace with price level changes is consistent with the other recommendations of the Council.

Medical Support

Medical support obligations should be based on a separate schedule of medical support obligations which are based on USDA estimates for health care expenditures.

ODJFS Comment

Federal law requires that the cost of health care for children be incorporated into any support obligation. To accomplish this, Ohio's child support guidelines produce three ordered payments: two ordered child support payments (one that is only paid when health insurance is provided with a credit for that cost, the other that is only paid when it is not provided) and one cash medical support payment. Cash medical support is only actually paid when health insurance is not provided for the child. Implementation of this policy (which began in Summer 2008) has proven challenging for all concerned largely because of the complexity resulting from the three obligation amounts.

Although the Council intended to simplify the current process by adopting a methodology that will produce only two ordered payments, the recommendation of the Council will actually result in three ordered payments: one for child support, one for the ongoing monthly health care costs other than insurance (estimated uninsured expenses); and another to cover the costs of health insurance premiums when health insurance is not provided by the obligor (estimated health insurance expenses). From the State's perspective, the method recommended by the Council will be costly to implement and difficult to administer. Significant resources would have to be committed to handling both medical support obligations in SETS. **ODJFS does not support the recommendation of the Council without revisions similar to those described below.**

ODJFS has determined that compliance with federal law can be achieved with two ordered payments: one for child support, and one for cash medical support that covers only the estimated costs of health insurance. This result is achieved by limiting cash medical support to the payment of estimated health insurance expenses. Estimated uninsured expenses are addressed in the basic child support obligation which contains \$100 annually for these expenses. Therefore, revisions similar to the following should be made to the first paragraph of the Cost Estimates section of the Council's recommendation:

A second method for simplifying the worksheets and arriving at two ordered payments is to adopt a second schedule based on the US Department of Agriculture (USDA) health care expenditure estimates. The individual carrying health insurance will receive a 50% credit equal to 50% of the for combined medical support obligation ~~USDA estimated health care expenditures~~ when

providing health insurance coverage. A single child support obligation amount would be paid when health insurance is being provided. When health insurance is not being provided there is no credit and the obligor would pay their proportionate share of the ~~amount~~ estimated health insurance costs drawn from the ~~basic child medical support~~ Schedule C. Using USDA estimates for health care expenditures in this way is analogous to the manner in which other expenditures (except day care) are currently estimated and rolled into the basic child support schedule. The guidelines would result in a child support figure and a medical support figure representing the obligor's proportionate share of the estimated health insurance costs ~~portion and the total medical support portion of the estimated medical support figure~~ from the medical support schedule.

The Department also has concerns about the effect of the Council's decision to rely solely on estimated health care expenditures in the calculation of the support obligation, and to no longer provide credit for *actual* health insurance costs. The actual information is still relevant to the process. Parties will have to continue to provide proof of actual health insurance costs so that the court or CSEA may determine whether or not it is reasonable to order a party to carry health insurance. Since the actual cost information will have to be made available it seems counter-intuitive to use an estimate.

Currently, an obligor's child support is adjusted downward when that individual's actual health insurance costs exceed his or her proportional share of the cost of the insurance. The reliance on estimated data will result in some obligors experiencing a reduction in net pay whenever the actual cost exceeds estimated cost because the health insurance premiums will continue to be deducted from the obligor's paycheck and the child support obligation will not have been reduced to reflect a credit for the actual insurance cost.

The Department will continue to work with stakeholders to exchange ideas about options for improving the medical support process. At the same time it is important to move forward with other recommendations made by the Council which directly impact families. As noted in the introduction to this section of the Report it appears that the council successfully negotiated a consensus based on the adoption of four interdependent issues: updating the basic child support schedule, creation of a self-support reserve for low income obligors, updating the minimum child support obligation, and the creation of a parenting time adjustment.

Self Support Reserve

There should be a test to determine the noncustodial parent's ability to meet the support obligation and maintain their ability to support themselves. When the obligor's gross income is at or below the federal poverty level, the child support obligation should be adjusted downward.

ODJFS Comment

The Department, along with the Council, has actively listened to concerns expressed at various public forums by parents regarding the ability of low- income noncustodial parents to pay child support. A noncustodial parent should be able to meet basic necessities of life or retain income at a subsistence level of support, equal to 100% of the federal poverty guidelines. Child support orders that are set too high relative to low-income obligors' ability to pay contribute to child support arrears and, unfortunately, child

support debt can drive a wedge between a parent and child. There is a national trend for states' guideline formulas to rely on a "self-support reserve" to meet basic living expenses of a noncustodial parent before a child support obligation is determined. It is important that the basic child support schedule be updated to reflect price changes since 1992 (the last time the tables were updated) and we must also ensure that low income families are not disproportionately impacted by the change. **The recommendation of the Council is a reasonable approach and is supported by the Department.**

Parenting Time Adjustment

The noncustodial parent should retain a portion of the annual obligation when exercising court ordered parenting time. There should be a standard adjustment for those cases with standard parenting time orders and a more significant adjustment for those cases that involve a shared parenting order.

ODJFS Comment

The recommendation has two components: an 8.75% adjustment for cases where there is a standard parenting-time order (the noncustodial parent has the child less than 40% of the time) and a more significant adjustment for those cases that involve a shared parenting order (the noncustodial parent has the child between 40-60% of the time).

Obligor advocacy groups have taken a particular interest in the adjustment for shared parenting orders. Some obligors question the methodology used to determine the adjustment in shared parenting cases. The Council heard presentations from the obligors before passing a recommendation and reconsidered part of the approved methodology based on obligor feedback. Nevertheless, there is still concern within the obligor community about the recommendation of the Council. It was suggested that the Council should implement a methodology that explicitly ties expenses to parenting time. The Council did not feel there was sufficient evidence to substantiate this action. In spite of the issues some have, the methodology proposed by the Council will achieve the goal of allowing the noncustodial parent to retain a portion of the support obligation when exercising court ordered parenting time.

Approved Recommendation Detail

Local Tax Adjustment and Work Related Deductions

Issue: Adjustments currently exist in the guideline calculation for local taxes paid and mandatory work-related deductions. These amounts are usually nominal and rarely affect the guideline amount of support. In addition, there are many varying local tax amounts, which can become cumbersome in locating and calculating the adjustment properly. With regard to the mandatory work-related deductions, one could potentially argue for many "work-related" deductions, alleging that said deductions are mandatory in nature.

Discussion: The Council discussed the net impact the local tax and work-related deductions have on the actual support obligation. Researching the proper percentage for the local tax adjustment can be cumbersome and the term "mandatory" work-related deduction is overly ambiguous.

Options: Option One: Take no action. Maintain current interpretation and application.
Option Two: Remove lines 11 and 12 from the child support worksheets.
Option Three: Remove the local tax and mandatory work-related deduction adjustments from the child support worksheets and add "extraordinary work-related expenses" as a factor for granting a deviation.

The Council recommends Option Three: Lines 11 and 12 should be removed from the child support worksheets and section 3119.23 of the Revised Code should be amended to list "extraordinary work-related expenditures" as a deviation factor. Even with the recommended removal of the local tax credit, a parent may still request a deviation pursuant to section 3119.23 of the Revised Code if the parent believes their tax burden is excessive.

Vote Number Three: Yes-11; No-0; Abstain-0

Imputing Income

Issue: Section 3119.05 of the Revised Code does not provide clear guidance or factors to assist the court or child support enforcement agency (CSEA) to determine when income should be imputed for an individual. The statute does not define “voluntarily unemployed” or “voluntarily underemployed” and as a result, courts and CSEAs sometimes issue incorrect, unreasonable or questionable decisions in imputing income.

Discussion: The Council heard from some parents at the Community Forums who expressed resentment at how income had been imputed in their cases. The Council discussed under what circumstances a court or CSEA should impute income and what sort of guidance should be provided.

Options: Option One: Take no action.
Option Two: Adopt statutory guidelines creating a rebuttable presumption against imputing income in circumstances where imputing income would usually be unjust or inappropriate.
Option Three: Change the existing imputation factors.

The Council recommends Option Two: The Council recommends the following changes to sections 3119.01(C)(11)(a) and 3119.05(I) of the Revised Code:

3119.01 Calculation of child support obligation definitions.

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

- (i) The parent’s prior employment experience;
- (ii) The parent’s education;
- (iii) The parent’s physical and mental disabilities, if any;
- (iv) The availability of employment in the geographic area in which the parent resides;
- (v) The prevailing wage and salary levels in the geographic area in which the parent resides;
- (vi) The parent’s special skills and training;
- (vii) Whether there is evidence that the parent has the ability to earn the imputed income;
- (viii) The age and special needs of the child for whom child support is being calculated under this section;
- (ix) The parent’s increased earning capacity because of experience;
- (x) The parent’s decreased earnings capacity because of a felony conviction;
- ~~(x)~~ (xi) Any other relevant factor.

3119.05 Other computing and calculating guidelines.

~~(l) A court or agency shall not determine a parent receiving means tested public assistance benefits to be voluntarily unemployed or underemployed and shall not impute income to that parent, unless not making such determination and not imputing income would be unjust, inappropriate, and not in the best interest of the child.~~ Unless the failure to impute income would be unjust, inappropriate, and therefore not in the best interest of the child, the 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 and/or public assistance monetary income including such payments as Works First (OWF) , State Disability Assistance (DA), General Assistance (GA), or Supplemental Security Income (SSI), and means-tested Veterans Assistance.

(2) A parent who is approved for Social Security Disability benefits due to his or her own mental or physical disability, or the court or agency determines, based on medical documentation which includes a physician's diagnosis and a physician's opinion regarding a parent's mental or physical disability and inability to work.

(3) A parent has proven that he or she has made continuous and diligent efforts to find and accept employment, including temporary and or part-time employment or employment at less than the parent's previous salary or wage.

(4) A parent is complying with court-ordered family reunification efforts in a child abuse, neglect, or dependency proceeding, to the extent which compliance limits his or her ability to earn income.

(5) A parent is incarcerated or institutionalized with no other available assets.

Vote Number Nine: Yes-14; No-0; Abstain-0

Revise Deviation Factors

Issue: Sections 3119.22 and 3119.23 of the Revised Code relate to court ordered deviations from the presumed child support amount. The standard of review and deviation factors are interpreted and applied differently by courts and child support enforcement agencies and should be reviewed for relevance and clarity.

Discussion: The Council reviewed a recommendation from the 2005 Child Support Guidelines Advisory Council which called for specific revisions to sections 3119.05, 3119.22 and 3119.23 of the Revised Code. Additionally, the Council reviewed and discussed the outcome of the deviations study.

Options: Option One: Take no action.

Option Two: a) Revise the deviation factors for clarity and b) Simplify the standard for deviating from the presumed child support.

Option Three: Either a) or b) in Option Two.

The Council recommends Option Two: The Council recommends changes to three separate statutes which will improve the way in which deviation factors are applied in child support cases.

The recommendation to modify section 3119.05(D) of the Revised Code is to provide the discretion for courts or agencies to disregard additional income earned from overtime or additional employment if such income was generated to support a new or additional family or generated to meet needs arising from another appropriate circumstance. For example, a court or agency may find it appropriate to disregard income earned from a second job when the party took on the second job to care for a new family at the same time the party is caring for children from a different relationship. This is to recognize the many different formations of a modern family. Also, a party recently divorced might take on a new, second job to address bills accrued during the divorce. The intent of the language is not to provide for the exclusion of income earned from a promotion or due to increased earning capacity. Nor is it the intent of the language to exclude income from a second part time job if the party has a change in circumstances in which he or she is working two (or more) jobs as opposed to full time work in a single position.

The modification to section 3119.22 of the Revised Code is intended to clarify that the court need only determine that the presumptive child support amount is unjust or inappropriate when granting a deviation and that an unjust or inappropriate child support amount is inherently not in the best interest of the child. Currently, the court is required to determine whether the child support obligation is unjust or inappropriate *and* not in the best interest of the child.

The modifications to section 3119.23 of the Revised Code are for clarity.

The Council makes the following recommended changes to sections 3119.05(D), 3119.22 and 3119.23 of the Revised Code:

3119.05 Other computing and calculating guidelines.

(D) When the court or agency calculates the gross income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

The court or agency may disregard additional income earned from overtime or additional employment if the court or agency finds that the income was generated primarily to support a new or additional family or other appropriate circumstances.

3119.22 Deviating from schedule or worksheet.

The court may order an amount of child support that deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet, through the line establishing the actual annual obligation, if, after considering the factors and criteria set forth in section 3119.23 of the Revised Code, the court determines that the amount calculated pursuant to the basic child support schedule and the applicable worksheet, through the line establishing the actual annual obligation, would be unjust or inappropriate and ~~therefore would~~ not be in the best interest of the child.

If it deviates, the court must enter in the journal the amount of child support calculated pursuant to the basic child support schedule and the applicable worksheet, through the line establishing the actual annual obligation, its determination that that amount would be unjust or inappropriate and ~~therefore would~~ not be in the best interest of the child, and findings of fact supporting that determination.

3119.23 Factors to be considered in granting a deviation.

The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code:

~~(A) Special and unusual needs of the children;~~ 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).

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

~~(C)~~ (B) Other court-ordered payments;

~~(D)~~ (C) Extended parenting time or extraordinary costs associated with parenting time, provided, including but not limited to extraordinary travel expenses when exchanging child(ren) for parenting time, that this division does not authorize and shall not be construed as authorizing any deviation from the schedule and the applicable worksheet, through the line establishing the actual annual obligation, or any escrowing, impoundment, or withholding of child support because of a denial of or interference with a right of parenting time granted by court order;

~~(E)~~ The obligor obtaining additional employment after a child support order is issued in order to support a second family;

~~(F)~~ (E) The financial resources and the earning ability of the child;

~~(G)~~ (F) Disparity in income between parties or households; The relative financial resources, including but not limited to disparity of income between parties or households, other assets, and the needs of each parent;

~~(H)~~ (G) Benefits that either parent receives from remarriage or sharing living expenses with another person;

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

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

~~(K)~~ The relative financial resources, other assets and resources, and needs of each parent;

~~(L)~~ (J) The 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;

~~(M)~~ The physical and emotional condition and needs of the child;

~~(N)~~ (K) The 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;

~~(O)~~ (L) The responsibility of each parent for the support of others; including but not limited to child(ren) with disabilities who are not subject to the support order;

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

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

~~(P)~~ (O) Any other relevant factor.

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

If the court grants a deviation based on division ~~(P)~~ (O) of this section, it shall specifically state in the order the facts that are the basis for the deviation.

Vote Number Seven: Yes-14; No-0; Abstain-0

Multiple Support Orders for the Same Family

Issue: When parents have a support order for one child and that order is not considered when a second support order is issued for the same parents and a different child, the support obligation may exceed what would have been ordered had both children been addressed simultaneously.

Discussion: The Council agreed that there should be an attempt to prevent parents who have multiple children on multiple support orders from being ordered to pay too much child support. The discussion centered on how the information about the existing orders should be brought to the attention to the court or child support enforcement agency (CSEA) and what the court or CSEA should do with the information.

Options: Option One: Take no action.

Option Two: Requiring the CSEA or court to collect information about each existing order before issuing a support order and calculate the order under consideration to ensure that the total of all orders for the children of the parties does not exceed the amount that would have been ordered if all children were addressed in one judicial or administrative proceeding.

Option Three Require the CSEA or court to collect information about each existing support order and modify all existing support orders.

The Council recommends Option Two: When parents have multiple orders the total child support obligation should be reflective of the obligor's ability to pay for all of the orders. Therefore, a statute should be enacted to require a court or CSEA issuing a support order to determine if another court or CSEA has issued a support order for other children shared by both parties. The court or CSEA shall ensure that the total of all support orders for children of the same parents does not exceed the amount of support that would have been ordered if all children were addressed in one judicial or administrative proceeding.

It may require some work on the part of a court to ascertain whether there are other support orders for other children of the parties but the information should be readily available to the parties. Requiring the CSEA or court to modify existing orders would prove too difficult to manage.

Vote Number Four: Yes-12; No-0; Abstain-0

2% Processing Charge

Issue: Currently, line 29 and line 27 of the child support worksheets state, "For Decree: Child support per month plus any processing charge." This current verbiage is left to the interpretation of the court and, or child support enforcement agency (CSEA) performing the computation of support.

Discussion: The Council reviewed the child support worksheets and found that the verbiage does not distinguish if the processing charge amounts being calculated should be calculated within the guidelines (a child support amount that would "include" any processing charge) or calculated outside of the guidelines (a child support amount that would **not** "include" the any processing charge); however, the amount would be imposed upon the issuance of a new or modified child support order as stated in section 3119.27 of the Revised Code. Section 3119.27(A) of the Revised Code reads:

(A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge that is the greater of two per cent of the support payment to be collected under a support order or one dollar per month."

However, the statute does not specify that a court or CSEA must impose or compute the greater of two percent processing charge or one dollar per month **within** the computation worksheets.

Options: Option One: Take no action and allow all references to processing charge to remain the same.

Option Two: Amend references to processing charge to unmistakably reflect the requirement that the two percent processing charge is included in the calculation of the guidelines. Amend section 3119.27 of the Revised Code to reflect this decision.

Option Three: Remove the verbiage "plus any processing charge" from sections 3119.022 and 3119.023 of the revised Code and allow the courts or agency to impose the greater of two percent processing charge or one dollar per month upon the **issuance** of a new or modified order. (It is understood that the greater of two per cent or one dollar per month would be written within the new or modified order)

The Council recommends Option Three: Remove all references to "plus any processing charge" from sections 3119.022 and 3119.023 of the Revised Code. Line 29 of the sole or shared parenting computation worksheet found in section 3119.022 of the Revised Code should be revised to state:

FOR DECREE: Child support per month (divide obligor's annual share, line 28, by 12) ~~plus any processing charge~~-\$..... \$.....

Line 27 of the split parental rights and responsibilities computation worksheet found in section

3119.023 of the Revised Code should be revised to state:

FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) ~~plus any processing charge \$..... \$.....~~

Vote Number Five: Yes-12; No-0; Abstain-0

Administrative Review of Court Ordered Deviations

Issue: When a deviation factor has been granted by a court in accordance with section 3119.23 of the Revised Code and that order later becomes subject to the administrative review and adjustment process, the child support enforcement agency (CSEA) conducting the review is not permitted to continue the deviation factor, even when the underlying facts which led to the deviation have not changed. It is unclear whether the CSEA should or should not continue the court deviation and that ambiguity should be removed by either requiring the CSEA to continue the court deviation in appropriate circumstances, or requiring the CSEA to proceed without any deviation from the presumed correct amount.

Discussion: The Council discussed that, at present, CSEAs lack direction on how to proceed during an administrative review and adjustment when a court ordered deviation has been granted. Current practice is to advise parties that when they wish to continue the deviation to the child support order they must go through the time-consuming process of completing the administrative review and adjustment process then appealing the recommendations of the CSEA to the court. This process is burdensome to the parties the case, the CSEA, and the court.

Options: Option One: Take no action and allow CSEA's to continue existing practices according to their local procedures.

Option Two: When a child support order is reviewed during an administrative review and adjustment, the CSEA shall **disregard** the court ordered deviation. The child support obligation will be calculated according to the basic child support schedule and the appropriate worksheet. The findings and recommendation will reflect the presumed child support obligation. Parties wishing to appeal to the exclusion of the deviation factor may forego the administrative process and appeal the findings and recommendations directly to court.

Option Three: When a child support order is reviewed during an administrative review and adjustment, the CSEA shall **maintain** the court ordered deviation and adjust the presumed obligation accordingly. The findings and recommendation will reflect the presumed child support obligation minus the amount of the deviation. Parties wishing to appeal the exclusion of the deviation factor may forego the administrative process and appeal the findings and recommendations directly to court.

The Council recommends Option Three: The CSEA should defer to the most recent court order and recommend the court ordered deviation should remain in place. Before the recommendations of the CSEA can be incorporated into the child support order, the parties are given an opportunity to object to the findings. If the parties to the order dispute the inclusion of deviation previously granted by the court, they have an opportunity to object to the findings and recommendations of the CSEA. The CSEA will not incorporate the court deviation in circumstances in which the CSEA cannot clearly determine from the court order either the specific dollar amount or the percentage deviation. The Council proposes the following changes to section 3119.63 of the Revised Code:

3119.63 Reviewing court child support order.

The child support enforcement agency shall review a court child support order on the date established pursuant to section 3119.60 of the Revised Code for formally beginning the review of the order and shall do all of the following:

(A) Calculate a revised amount of child support to be paid under the court child support order;

(B) If the child support order under review contains a deviation pursuant to section 3119.23 or 3119.24 of the Revised Code, the child support enforcement agency shall maintain the deviation from the existing order to the revised child support amount provided the agency can determine the monetary or percentage value of the deviation from the face of the order. If the agency cannot determine the monetary or percentage value of the deviation from the face of the order, the agency shall not apply the deviation.

~~(B)~~ (C) Give the obligor and obligee notice of the revised amount of child support, of their right to request an administrative hearing on the revised amount, of the procedures and time deadlines for requesting the hearing, and that the revised amount of child support will be submitted to the court for inclusion in a revised court child support order unless the obligor or obligee requests an administrative hearing on the proposed change within fourteen days after receipt of the notice under this division;

~~(C)~~ (D) Give the obligor and obligee notice that if the court child support order contains a deviation granted under section 3119.23 or 3119.24 of the Revised Code or if the obligor or obligee intends to request a deviation from the child support amount to be paid under the court child support order, the obligor and obligee have a right to request a court hearing on the revised amount of child support without first requesting an administrative hearing and that the obligor or obligee, in order to exercise this right, must make the request for a court hearing no later than fourteen days after receipt of the notice;

~~(D)~~ (E) If neither the obligor nor the obligee timely requests, pursuant to division (C) of this section, an administrative or court hearing on the revised amount of child support, submit the revised amount of child support to the court for inclusion in a revised court child support order;

~~(E)~~ (F) If the obligor or the obligee timely requests an administrative hearing on the revised child support amount, schedule a hearing on the issue, give the obligor and obligee notice of the date, time, and location of the hearing, conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code, redetermine at the hearing a revised amount of child support to be paid under the court child support order, and give notice to the obligor and obligee of the revised amount of child support, that they may request a court hearing on the revised amount, and that the agency will submit the revised amount of child support to the court for inclusion in a revised court child support order, if neither the obligor nor the obligee requests a court hearing on the revised amount of child support;

~~(F)~~ (G) If neither the obligor nor the obligee requests, pursuant to division (E) of this section, a court hearing on the revised amount of child support, submit the revised amount of child support to the court for inclusion in a revised court child support order.

Vote Number Eight: Yes-14; No-0; Abstain-0

Amendments to Credits for Other Support Obligations

Issue: Currently, each parent is given a credit in the amount of the total federal income tax exemption for any other children that the parent has the duty to support, as well as credit for annual "court ordered support paid for other children".

Discussion: The Council discussed the equity in applying the entire federal income tax exemption amount for each child the parent supports. There is a concern by some parents that allowing a credit for children not addressed in the order can be seen as an incentive to have additional children in order to reduce the parent's income and/or child support obligation. In addition, the Council discussed whether or not a parent should receive credit for the entire tax exemption when another parent also has a duty to support the child.

The Council also considered the merits of allowing a credit for the child support amount ordered (when that amount might not have ever actually been paid) versus allowing credit for child support actually paid (when payment information might not be available or reliable).

Options: Tax Credit

Option One: Take no action.

Option Three: Only give a credit for children born prior to the children of the order.

Option Four: Do not give any credit to either parent for other children.

Other Support Obligations

Option One: Take no action

Option Two: Allow a credit for child support payments actually made.

Option Three: Allow a credit for actual support ordered notwithstanding actual payments made.

Combined Option

Reduce the tax credit to one-half of the federal income tax exemption but allow it for each child the parent has a duty to support and discontinue the credit for other child support obligations (paid or ordered). The spousal support credit is unchanged.

The Council recommends the Combined Option: Continuing the credit at a reduced rate strikes a balance between recognizing the costs associated with raising another child with the fact that those costs are shared with another parent who has a duty to support that child.

The ambiguity in current law regarding the crediting for other child support obligations does not benefit either parent and the Council could not conceive of a system which would bring equity to the process. Therefore, the Council recommends removing the credit altogether and addressing the duty of support for other children by extending the federal exemption to all children for whom there is a duty of support. Lines 8 and 9 of the sole and split worksheets contained in sections 3119.022 and 3119.023 of the Revised Code should be accordingly amended. Section 3119.05 of

the Revised Code should be similarly amended, preserving the credit for spousal support "actually paid".

The Council proposes the following changes to paragraphs (B) and (C) of section 3119.05 of the Revised Code:

3119.05 Other computing and calculating guidelines.

(B) ~~The amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support actually paid shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the court-ordered spousal support is verified by supporting documentation.~~

~~(C) If other minor children who were born to the parent and a person other than the other parent who is involved in the immediate child support determination live with the parent, the court or agency shall deduct an amount from that parent's gross income that equals the number of such minor children times the federal income tax exemption for such children less child support received for them for the year, not exceeding the federal income tax exemption. If the parent has the duty to support any other minor children, the parent shall receive a credit equal to one-half of the annual federal income tax exemption for each child.~~

Vote Number Ten: Yes-13; No-1; Abstain-0

Update the Methodology and Economic Assumptions of the Basic Child Support Schedule

Issue: The basic child support schedule is based on out of date economic data and does not adequately provide for the needs of the children who are subject to child support orders. It is essential that the basic child support schedule be based upon current economic data which reflects the actual cost of raising a child as a percentage of the parents' combined income. Furthermore, the economic assumptions built into the current table require review and analysis.

Discussion: The Council discussed three specific areas of concern: use of the Betson-Rothbarth income equivalency model; out-dated price level data; and out-dated consumer expenditure data.

Betson-Rothbarth Model

The Council discussed the reliability of some assumptions built into the Betson-Rothbarth model: (1) There is an assumption that the spending-patterns of intact families are similar to those of non-intact families. There is, however, no evidence demonstrating the similarity. (2) Rather than assuming that couples without children change their spending habits once they have children, the Betson-Rothbarth model assumes that spending on "adult goods" is the same for couples with and without children. (3) There is an assumption that there is additional income available 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 the calculation of child support on the additional income that would be necessary for the family to enjoy the same standard of living they would have without the children. In fact, families do not have the additional income that the income equivalency methodology presumes.

Price Level Data

The Consumer Price Index (CPI) is determined by the US Department of Labor, Bureau of Labor Statistics (BLS) and represents the actual cost of certain goods and services. The current basic child support schedule is based upon the CPI from 1992. Since 1992, prices have increased by almost 50%.

Consumer Expenditure Data

The Consumer Expenditure Survey (CES), also conducted by the BLS, consists of two surveys that provide information on the buying habits of American consumers, including data on their expenditures, income, and consumer unit (families and single consumers) characteristics. The current basic child support schedule is based upon CES data from 1980 to 1986.

The Council reviewed the methodology used by the US Department of Agriculture (USDA) as an alternative to the Betson-Rothbarth model. The USDA relies on the CES for data and the estimates are based on actual child-rearing expenditures for one child in a two-parent household. The USDA estimates break down costs into the following categories: housing, food, transportation, clothing, health care, child

care and education and miscellaneous goods and services.

Options: Option One: Take no action.

Option Two: Update the basic child support schedule with the most current economic data and continue using the Betson-Rothbarth model for estimating expenditures.

Option Three: Update the basic child support schedule with the most current economic data using the USDA methodology for estimating actual expenditures.

The Council recommends Option Three: The Council is mindful of the impact that increasing the tables during trying economic times may have; but the need for a basic child support schedule which relies on current economic data is ever-present. The longer the schedule goes without being updated the larger the increase will be once it is updated. The economist attributes about one-quarter of the increase in the basic schedule to switching from Rothbarth to USDA estimates; the remainder is largely due to increases in prices since 1992.

The potential increase in the schedule must also be viewed in context with other recommendations by the Council. The 8.75% standard parenting time adjustment will offset the increase for many noncustodial parents. Furthermore, the self-support reserve and increase in the lowest amount on the schedule is intended to protect those noncustodial parents who are already at or below the poverty level from being disproportionately affected. Conversely, the increase in the minimum support order is intended to protect those custodial parents who have seen a steady increase in the cost of raising a child since 1994 without the relief brought by child support obligations which keep pace with cost increases.

The Council recommends adoption of the following basic child support schedule:

Schedule of Basic Child Support Obligations

Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
10830.00	2566	4153	4823	5412	5976	6517
11400.00	2701	4372	5077	5697	6290	6860
12000.00	2843	4602	5344	5996	6621	7221
12600.00	2985	4832	5611	6296	6952	7582
13200.00	3127	5062	5878	6596	7283	7943
13800.00	3269	5292	6145	6896	7614	8304
14400.00	3412	5522	6413	7196	7945	8665
15000.00	3554	5752	6680	7495	8276	9026
15600.00	3696	5982	6947	7795	8608	9387
16200.00	3838	6212	7214	8095	8939	9748
16800.00	3980	6442	7481	8395	9270	10109
17400.00	4122	6672	7749	8695	9601	10470
18000.00	4264	6902	8016	8995	9932	10831
18600.00	4407	7133	8283	9294	10263	11192
19200.00	4549	7363	8550	9594	10594	11554
19800.00	4691	7593	8817	9894	10925	11915
20400.00	4833	7823	9085	10194	11256	12276
21000.00	4975	8053	9352	10494	11587	12637
21600.00	5117	8283	9619	10793	11918	12998
22200.00	5259	8513	9886	11093	12249	13359
22800.00	5402	8743	10153	11393	12580	13720
23400.00	5544	8973	10421	11693	12911	14081
24000.00	5686	9203	10688	11993	13242	14442
24600.00	5828	9433	10955	12293	13573	14803
25200.00	5970	9663	11222	12592	13905	15164
25800.00	6112	9894	11489	12892	14236	15525
26400.00	6255	10124	11757	13192	14567	15886
27000.00	6397	10354	12024	13492	14898	16247
27600.00	6539	10584	12291	13792	15229	16608
28200.00	6681	10814	12558	14091	15560	16969
28800.00	6789	10989	12761	14319	15811	17243
29400.00	6836	11065	12849	14418	15919	17361

30000.00		6884	11142	12938	14516	16028	17479
30600.00		6931	11218	13026	14615	16137	17597
31200.00		6979	11295	13115	14714	16245	17715
31800.00		7026	11372	13203	14813	16354	17833
32400.00		7074	11448	13292	14912	16463	17952
33000.00		7121	11525	13380	15011	16572	18070
33600.00		7169	11601	13469	15109	16680	18188
34200.00		7216	11678	13557	15208	16789	18306
34800.00		7264	11755	13646	15307	16898	18424
35400.00		7311	11831	13734	15406	17006	18543
36000.00		7359	11908	13823	15505	17115	18661
36600.00		7406	11984	13911	15604	17224	18779
37200.00		7454	12061	14000	15702	17333	18897
37800.00		7501	12138	14088	15801	17441	19015
38400.00		7549	12214	14177	15900	17550	19133
39000.00		7596	12291	14265	15999	17659	19252
39600.00		7644	12368	14354	16098	17768	19370
40200.00		7691	12444	14442	16197	17876	19488
40800.00		7739	12521	14530	16295	17985	19606
41400.00		7786	12597	14619	16394	18094	19724
42000.00		7834	12674	14707	16493	18202	19843
42600.00		7881	12751	14796	16592	18311	19961
43200.00		7929	12827	14884	16691	18420	20079
43800.00		7976	12904	14973	16790	18529	20197
44400.00		8024	12980	15061	16888	18637	20315
45000.00		8071	13057	15150	16987	18746	20433
45600.00		8119	13134	15238	17086	18855	20552
46200.00		8166	13210	15327	17185	18964	20670
46800.00		8214	13287	15415	17284	19072	20788
47400.00		8261	13364	15504	17383	19181	20906
48000.00		8309	13440	15592	17482	19290	21024
48600.00		8356	13517	15681	17580	19398	21143
49200.00		8404	13593	15769	17679	19507	21261
49800.00		8451	13670	15858	17778	19616	21379
50400.00		8499	13747	15946	17877	19725	21497
51000.00		8546	13823	16035	17976	19833	21615

51600.00		8594	13900	16123	18075	19942	21733
52200.00		8641	13976	16212	18173	20051	21852
52800.00		8689	14053	16300	18272	20159	21970
53400.00		8736	14130	16389	18371	20268	22088
54000.00		8784	14206	16477	18470	20377	22206
54600.00		8831	14283	16566	18569	20486	22324
55200.00		8879	14359	16654	18668	20594	22443
55800.00		8926	14436	16743	18766	20703	22561
56400.00		8974	14513	16831	18865	20812	22679
57000.00		9021	14589	16920	18964	20921	22797
57600.00		9069	14666	17008	19063	21029	22915
58200.00		9116	14743	17097	19162	21138	23033
58800.00		9164	14819	17185	19261	21247	23152
59400.00		9211	14896	17274	19359	21355	23270
60000.00		9259	14972	17362	19458	21464	23388
60600.00		9306	15049	17451	19557	21573	23506
61200.00		9354	15126	17539	19656	21682	23625
61800.00		9402	15203	17628	19755	21791	23743
62400.00		9449	15280	17717	19855	21900	23862
63000.00		9497	15356	17806	19954	22009	23980
63600.00		9545	15433	17894	20053	22118	24099
64200.00		9592	15510	17983	20152	22227	24218
64800.00		9640	15587	18072	20251	22336	24336
65400.00		9688	15664	18161	20351	22446	24455
66000.00		9735	15741	18250	20450	22555	24573
66600.00		9783	15818	18338	20549	22664	24692
67200.00		9831	15895	18427	20648	22773	24811
67800.00		9878	15971	18516	20747	22882	24929
68400.00		9926	16048	18605	20846	22991	25048
69000.00		9974	16125	18694	20946	23100	25166
69600.00		10021	16202	18782	21045	23209	25285
70200.00		10069	16279	18871	21144	23318	25404
70800.00		10117	16356	18960	21243	23427	25522
71400.00		10164	16433	19049	21342	23537	25641
72000.00		10212	16510	19138	21442	23646	25759
72600.00		10260	16586	19226	21541	23755	25878

73200.00		10307	16663	19315	21640	23864	25997
73800.00		10355	16740	19404	21739	23973	26115
74400.00		10403	16817	19493	21838	24082	26234
75000.00		10450	16894	19582	21937	24191	26352
75600.00		10498	16971	19670	22037	24300	26471
76200.00		10546	17048	19759	22136	24409	26590
76800.00		10593	17125	19848	22235	24519	26708
77400.00		10641	17201	19937	22334	24628	26827
78000.00		10689	17278	20025	22433	24737	26945
78600.00		10736	17355	20114	22533	24846	27064
79200.00		10784	17432	20203	22632	24955	27182
79800.00		10832	17509	20292	22731	25064	27301
80400.00		10879	17586	20381	22830	25173	27420
81000.00		10927	17663	20469	22929	25282	27538
81600.00		10975	17740	20558	23028	25391	27657
82200.00		11022	17816	20647	23128	25500	27775
82800.00		11070	17893	20736	23227	25610	27894
83400.00		11118	17970	20825	23326	25719	28013
84000.00		11165	18047	20913	23425	25828	28131
84600.00		11213	18124	21002	23524	25937	28250
85200.00		11261	18201	21091	23624	26046	28368
85800.00		11308	18278	21180	23723	26155	28487
86400.00		11356	18355	21269	23822	26264	28606
87000.00		11404	18432	21357	23921	26373	28724
87600.00		11451	18508	21446	24020	26482	28843
88200.00		11499	18585	21535	24119	26591	28961
88800.00		11547	18662	21624	24219	26701	29080
89400.00		11594	18739	21713	24318	26810	29199
90000.00		11642	18816	21801	24417	26919	29317
90600.00		11690	18893	21890	24516	27028	29436
91200.00		11737	18970	21979	24615	27137	29554
91800.00		11785	19047	22068	24715	27246	29673
92400.00		11833	19123	22157	24814	27355	29792
93000.00		11880	19200	22245	24913	27464	29910
93600.00		11928	19277	22334	25012	27573	30029
94200.00		11976	19354	22423	25111	27682	30147

94800.00		12023	19431	22512	25211	27792	30266
95400.00		12071	19508	22601	25310	27901	30385
96000.00		12119	19585	22689	25409	28010	30503
96600.00		12166	19662	22778	25508	28119	30622
97200.00		12214	19738	22867	25607	28228	30740
97800.00		12262	19815	22956	25706	28337	30859
98400.00		12309	19892	23045	25806	28446	30977
99000.00		12357	19969	23133	25905	28555	31096
99600.00		12404	20046	23222	26004	28664	31215
100200.00		12452	20123	23311	26103	28773	31333
100800.00		12500	20200	23400	26202	28883	31452
101400.00		12547	20277	23488	26302	28992	31570
102000.00		12595	20353	23577	26401	29101	31689
102600.00		12643	20430	23666	26500	29210	31808
103200.00		12690	20507	23755	26599	29319	31926
103800.00		12738	20584	23844	26698	29428	32045
104400.00		12786	20661	23932	26797	29537	32163
105000.00		12833	20738	24021	26897	29646	32282
105600.00		12881	20815	24110	26996	29755	32401
106200.00		12929	20892	24199	27095	29864	32519
106800.00		12976	20969	24288	27194	29974	32638
107400.00		13024	21045	24376	27293	30083	32756
108000.00		13072	21122	24465	27393	30192	32875
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109200.00		13167	21276	24643	27591	30410	33112
109800.00		13215	21353	24732	27690	30519	33231
110400.00		13262	21430	24820	27789	30628	33349
111000.00		13310	21507	24909	27888	30737	33468
111600.00		13358	21584	24998	27988	30846	33587
112200.00		13405	21660	25087	28087	30956	33705
112800.00		13453	21737	25176	28186	31065	33824
113400.00		13501	21814	25264	28285	31174	33942
114000.00		13548	21891	25353	28384	31283	34061
114600.00		13596	21968	25442	28484	31392	34180
115200.00		13644	22045	25531	28583	31501	34298
115800.00		13692	22122	25620	28682	31610	34417

116400.00		13739	22199	25709	28782	31720	34536
117000.00		13787	22276	25798	28881	31829	34655
117600.00		13835	22353	25887	28981	31939	34774
118200.00		13883	22431	25976	29080	32048	34893
118800.00		13931	22508	26065	29180	32158	35012
119400.00		13979	22585	26154	29279	32267	35131
120000.00		14026	22662	26244	29379	32377	35250
120600.00		14074	22739	26333	29478	32486	35369
121200.00		14122	22816	26422	29578	32596	35488
121800.00		14170	22893	26511	29678	32705	35607
122400.00		14218	22971	26600	29777	32815	35726
123000.00		14266	23048	26689	29877	32924	35845
123600.00		14313	23125	26778	29976	33034	35964
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124800.00		14409	23279	26956	30175	33253	36202
125400.00		14457	23356	27045	30275	33362	36321
126000.00		14505	23433	27135	30374	33472	36440
126600.00		14553	23511	27224	30474	33581	36559
127200.00		14600	23588	27313	30573	33691	36678
127800.00		14648	23665	27402	30673	33800	36797
128400.00		14696	23742	27491	30772	33910	36916
129000.00		14744	23819	27580	30872	34019	37035
129600.00		14792	23896	27669	30971	34129	37154
130200.00		14840	23973	27758	31071	34238	37273
130800.00		14887	24051	27847	31170	34347	37392
131400.00		14935	24128	27936	31270	34457	37511
132000.00		14983	24205	28026	31369	34566	37630
132600.00		15031	24282	28115	31469	34676	37749
133200.00		15079	24359	28204	31569	34785	37868
133800.00		15126	24436	28293	31668	34895	37987
134400.00		15174	24513	28382	31768	35004	38106
135000.00		15222	24591	28471	31867	35114	38225
135600.00		15270	24668	28560	31967	35223	38344
136200.00		15318	24745	28649	32066	35333	38463
136800.00		15366	24822	28738	32166	35442	38582
137400.00		15413	24899	28828	32265	35552	38701

138000.00		15461	24976	28917	32365	35661	38820
138600.00		15509	25053	29006	32464	35771	38939
139200.00		15557	25131	29095	32564	35880	39058
139800.00		15605	25208	29184	32663	35990	39177
140400.00		15653	25285	29273	32763	36099	39296
141000.00		15700	25362	29362	32862	36209	39415
141600.00		15748	25439	29451	32962	36318	39534
142200.00		15796	25516	29540	33061	36428	39653
142800.00		15844	25593	29629	33161	36537	39772
143400.00		15892	25671	29719	33261	36647	39891
144000.00		15940	25748	29808	33360	36756	40010
144600.00		15987	25825	29897	33460	36866	40129
145200.00		16035	25902	29986	33559	36975	40248
145800.00		16083	25979	30075	33659	37084	40367
146400.00		16131	26056	30164	33758	37194	40486
147000.00		16179	26133	30253	33858	37303	40605
147600.00		16227	26211	30342	33957	37413	40724
148200.00		16274	26288	30431	34057	37522	40843
148800.00		16322	26365	30520	34156	37632	40962
149400.00		16370	26442	30610	34256	37741	41081
150000.00		16418	26519	30699	34355	37851	41200
150600.00		16466	26596	30788	34455	37960	41319
151200.00		16514	26673	30877	34554	38070	41438
151800.00		16561	26751	30966	34654	38179	41557
152400.00		16609	26828	31055	34753	38289	41676
153000.00		16657	26905	31144	34853	38398	41795
153600.00		16705	26982	31233	34952	38508	41914
154200.00		16753	27059	31322	35052	38617	42033
154800.00		16801	27136	31411	35152	38727	42152
155400.00		16848	27213	31501	35251	38836	42271
156000.00		16896	27291	31590	35351	38946	42390
156600.00		16944	27368	31679	35450	39055	42509
157200.00		16992	27445	31768	35550	39165	42628
157800.00		17040	27522	31857	35649	39274	42747
158400.00		17088	27599	31946	35749	39384	42866
159000.00		17135	27676	32035	35848	39493	42985

159600.00		17183	27754	32124	35948	39603	43104
160200.00		17231	27831	32213	36047	39712	43223
160800.00		17279	27908	32303	36147	39821	43342
161400.00		17327	27985	32392	36246	39931	43461
162000.00		17374	28062	32481	36346	40040	43580
162600.00		17422	28139	32570	36445	40150	43699
163200.00		17470	28216	32659	36545	40259	43818
163800.00		17518	28294	32748	36644	40369	43937
164400.00		17566	28371	32837	36744	40478	44056
165000.00		17614	28448	32926	36843	40588	44175
165600.00		17661	28525	33015	36943	40697	44294
166200.00		17709	28602	33104	37043	40807	44413
166800.00		17757	28679	33194	37142	40916	44532
167400.00		17805	28756	33283	37242	41026	44652
168000.00		17853	28834	33372	37341	41135	44771
168600.00		17901	28911	33461	37441	41245	44890
169200.00		17948	28988	33550	37540	41354	45009
169800.00		17996	29065	33639	37640	41464	45128
170400.00		18044	29142	33728	37739	41573	45247
171000.00		18092	29219	33817	37839	41683	45366
171600.00		18140	29296	33906	37938	41792	45485
172200.00		18188	29374	33995	38038	41902	45604
172800.00		18235	29451	34085	38137	42011	45723
173400.00		18283	29528	34174	38237	42121	45842
174000.00		18331	29605	34263	38336	42230	45961
174600.00		18379	29682	34352	38436	42340	46080
175200.00		18427	29759	34441	38535	42449	46199
175800.00		18475	29836	34530	38635	42558	46318
176400.00		18522	29914	34619	38735	42668	46437
177000.00		18570	29991	34708	38834	42777	46556
177600.00		18618	30068	34797	38934	42887	46675
178200.00		18666	30145	34886	39033	42996	46794
178800.00		18714	30222	34976	39133	43106	46913
179400.00		18762	30299	35065	39232	43215	47032
180000.00		18809	30376	35154	39332	43325	47151
180600.00		18857	30454	35243	39431	43434	47270

181200.00		18905	30531	35332	39531	43544	47389
181800.00		18953	30608	35421	39630	43653	47508
182400.00		19001	30685	35510	39730	43763	47627
183000.00		19049	30762	35599	39829	43872	47746
183600.00		19096	30839	35688	39929	43982	47865
184200.00		19144	30916	35777	40028	44091	47984
184800.00		19192	30994	35867	40128	44201	48103
185400.00		19240	31071	35956	40227	44310	48222
186000.00		19288	31148	36045	40327	44420	48341
186600.00		19336	31225	36134	40426	44529	48460
187200.00		19383	31302	36223	40526	44639	48579
187800.00		19431	31379	36312	40626	44748	48698
188400.00		19479	31456	36401	40725	44858	48817
189000.00		19527	31534	36490	40825	44967	48936
189600.00		19575	31611	36579	40924	45077	49055
190200.00		19622	31688	36669	41024	45186	49174
190800.00		19670	31765	36758	41123	45295	49293
191400.00		19718	31842	36847	41223	45405	49412
192000.00		19766	31919	36936	41322	45514	49531
192600.00		19814	31996	37025	41422	45624	49650
193200.00		19862	32074	37114	41521	45733	49769
193800.00		19909	32151	37203	41621	45843	49888
194400.00		19957	32228	37292	41720	45952	50007
195000.00		20005	32305	37381	41820	46062	50126
195600.00		20053	32382	37470	41919	46171	50245
196200.00		20101	32459	37560	42019	46281	50364
196800.00		20149	32536	37649	42118	46390	50483
197400.00		20196	32614	37738	42218	46500	50602
198000.00		20244	32691	37827	42317	46609	50721
198600.00		20292	32768	37916	42417	46719	50840
199200.00		20340	32845	38005	42517	46828	50959
199800.00		20388	32922	38094	42616	46938	51078
200400.00		20436	32999	38183	42716	47047	51197
201000.00		20483	33077	38272	42815	47157	51316
201600.00		20531	33154	38361	42915	47266	51435
202200.00		20579	33231	38451	43014	47376	51554

202800.00		20627	33308	38540	43114	47485	51673
203400.00		20675	33385	38629	43213	47595	51792
204000.00		20723	33462	38718	43313	47704	51911
204600.00		20770	33539	38807	43412	47814	52030
205200.00		20818	33617	38896	43512	47923	52149
205800.00		20866	33694	38985	43611	48032	52268
206400.00		20914	33771	39074	43711	48142	52387
207000.00		20962	33848	39163	43810	48251	52506
207600.00		21010	33925	39252	43910	48361	52625
208200.00		21057	34002	39342	44009	48470	52744
208800.00		21105	34079	39431	44109	48580	52863
209400.00		21153	34157	39520	44209	48689	52982
210000.00		21201	34234	39609	44308	48799	53101
210600.00		21249	34311	39698	44408	48908	53220
211200.00		21297	34388	39787	44507	49018	53339
211800.00		21344	34465	39876	44607	49127	53458
212400.00		21392	34542	39965	44706	49237	53577
213000.00		21440	34619	40054	44806	49346	53696
213600.00		21488	34697	40144	44905	49456	53815
214200.00		21536	34774	40233	45005	49565	53934
214800.00		21584	34851	40322	45104	49675	54053
215400.00		21631	34928	40411	45204	49784	54172
216000.00		21679	35005	40500	45303	49894	54291
216600.00		21727	35082	40589	45403	50003	54410
217200.00		21775	35159	40678	45502	50113	54529
217800.00		21823	35237	40767	45602	50222	54648
218400.00		21870	35314	40856	45701	50332	54767
219000.00		21918	35391	40945	45801	50441	54886
219600.00		21966	35468	41035	45900	50551	55005
220200.00		22014	35545	41124	46000	50660	55124
220800.00		22062	35622	41213	46100	50769	55243
221400.00		22110	35699	41302	46199	50879	55362
222000.00		22157	35777	41391	46299	50988	55481
222600.00		22205	35854	41480	46398	51098	55600
223200.00		22253	35931	41569	46498	51207	55719
223800.00		22301	36008	41658	46597	51317	55838

224400.00		22349	36085	41747	46697	51426	55957
225000.00		22397	36162	41836	46796	51536	56076
225600.00		22444	36239	41926	46896	51645	56195
226200.00		22492	36317	42015	46995	51755	56314
226800.00		22540	36394	42104	47095	51864	56433
227400.00		22588	36471	42193	47194	51974	56552
228000.00		22636	36548	42282	47294	52083	56671
228600.00		22684	36625	42371	47393	52193	56790
229200.00		22731	36702	42460	47493	52302	56909
229800.00		22779	36779	42549	47592	52412	57028
230400.00		22827	36857	42638	47692	52521	57147
231000.00		22875	36934	42727	47791	52631	57266
231600.00		22923	37011	42817	47891	52740	57385
232200.00		22971	37088	42906	47991	52850	57504
232800.00		23018	37165	42995	48090	52959	57623
233400.00		23066	37242	43084	48190	53069	57742
234000.00		23114	37319	43173	48289	53178	57861
234600.00		23162	37397	43262	48389	53288	57980
235200.00		23210	37474	43351	48488	53397	58099
235800.00		23258	37551	43440	48588	53506	58218
236400.00		23305	37628	43529	48687	53616	58337
237000.00		23353	37705	43619	48787	53725	58456
237600.00		23401	37782	43708	48886	53835	58575
238200.00		23449	37859	43797	48986	53944	58694
238800.00		23497	37937	43886	49085	54054	58813
239400.00		23545	38014	43975	49185	54163	58932
240000.00		23592	38091	44064	49284	54273	59051
240600.00		23640	38168	44153	49384	54382	59170
241200.00		23688	38245	44242	49483	54492	59289
241800.00		23736	38322	44331	49583	54601	59408
242400.00		23784	38400	44420	49683	54711	59527
243000.00		23832	38477	44510	49782	54820	59646
243600.00		23879	38554	44599	49882	54930	59765
244200.00		23927	38631	44688	49981	55039	59884
244800.00		23975	38708	44777	50081	55149	60003
245400.00		24023	38785	44866	50180	55258	60122

246000.00		24071	38862	44955	50280	55368	60241
246600.00		24119	38940	45044	50379	55477	60360
247200.00		24166	39017	45133	50479	55587	60479
247800.00		24214	39094	45222	50578	55696	60598
248400.00		24262	39171	45311	50678	55806	60717
249000.00		24310	39248	45401	50777	55915	60836
249600.00		24358	39325	45490	50877	56025	60955
250200.00		24405	39402	45579	50976	56134	61074

Vote Number Two: Yes-11; No-0; Abstain-0

Periodic Updates of the Basic Child Support Schedule via Rule

Issue: The expense of raising a child increases over time; and inflation erodes the value of child support payments. When the basic child support schedule is not updated to keep pace with economic realities, it creates a gap between the child support obligation and the actual cost of raising a child. Currently, the schedule is prescribed by statute and updated by the General Assembly usually not more than once every four years. The last time the schedule was updated in 1994.

Discussion: The Council reviewed and discussed the recommendation of a previous Council regarding the periodic update of the basic child support schedule. The recommendation contained a discussion of methods other states use to ensure that the basic child support schedule will keep pace with the increase of the cost of living from year to year.

Options: Option One: Take no action.

Option Two: Adopt a cost of living adjustment (COLA) similar to the methods enacted in Minnesota or New York. Since 1983, Minnesota has incorporated a COLA provision into child support awards; the state adjusts most orders on a bi-annual basis, using the Consumer Price Index (CPI). In 1998, New York adopted a COLA policy; orders are increased upon request of the obligee if the CPI has increased by 10% **and** at least two years have elapsed since the time the order was established or last modified.

Option Three: Provide that a change in the cost of living for either party which makes the existing order unreasonable and unfair is grounds for modification of a child support order. Minnesota guidelines provide that modification can be made on "showing of one or more of the following: (1) Substantially increased or decreased earnings of a party; (2) Substantially increased or decreased needs of a party or the child or children that are the subject of these proceedings; (3) Receipt of assistance under §§256.72 to 256.87; (4) A change in the cost of living for either party as measured by the Federal Bureau of Statistics, any of which makes the terms unreasonable and unfair.

Option Four: Every year, replace the preexisting basic child support schedule in section 3119.021 of the Revised Code with a revised schedule based on the annually updated cost estimates (COLA adjustments) prepared by the United States Department of Agriculture (USDA). The annually updated schedule would apply to all new child support orders and to any requested modifications of existing orders, but any request for modification would be subject to the 10% "substantial change of circumstances" test in section 3119.79 of the Revised Code.

Option Five: Require that the basic child support schedule be updated every four years based on USDA methodology. The General Assembly shall give the necessary rulemaking authority, and specific instructions regarding the methodology for updating the tables, to ODJFS to implement the changes if no legislative action is taken to revise the schedule within the four year period.

The Council recommends Option Five: The Council recommends that the legislature amend section 3119.021 of the Revised Code to enact the updated basic child support schedule recommended by the Council and concurrently provide ODJFS rulemaking authority to replace the statutory basic schedule four years later and every four years thereafter using the methodology described in the economic study contained in Appendix C of the 2009 Child Support Guidelines Advisory Council report.

Vote Number Sixteen: Yes-12; No-0; Abstain-0

Minimum Child Support Orders

Issue: The \$50 minimum child support order described in section 3119.06 of the Revised Code is based on the 1992 federal poverty level for one person, \$6,810. The federal poverty level for one person in 2009 is \$10, 830.

Discussion: The existing minimum child support order is equal to an annual obligation of \$600, which is 11% of the 1992 federal poverty level for one person. Because the basic child support schedule has not been updated to keep pace with the increase in the federal poverty level, neither has the minimum child support order.

As part of its review, the Council discussed the value of only allowing an agency to issue a minimum order in accordance with section 3119.06. Currently, the CSEA is required to issue a support order based strictly on the amount calculated pursuant to the basic child support schedule and applicable worksheet.

Options: Option One: Take no action.

Option Two: Increase the minimum child support order to \$80 (\$960 annually), which is consistent with previous methodology and the current federal poverty level for one person and modify section 3119.06 of the revised Code to allow a CSEA to issue a minimum support order.

The Council recommends Options Two: A minimum child support order for \$960 annually is equal to roughly the same percentage (11%) of the 2009 federal poverty level for one person as the current \$600 annual obligation is to the 1992 federal poverty level. This recommendation is intended to ensure that the minimum child support order stays at a level consistent with the new federal poverty level and is not an attempt to arbitrarily increase the child support order for obligors at or near the poverty level. Under appropriate circumstances and in accordance with section 3119.06 of the Revised Code, a court may continue to exercise discretion and issue an order for less than the minimum amount.

The Council recommends the following changes to section 3119.06 of the Revised Code:

3119.06 Minimum child support order.

Except as otherwise provided in this section, in any action in which a court or support enforcement agency issues or modifies a child support order or in any other proceeding in which a court or agency determines the amount of child support to be paid pursuant to a child support order, the court or agency shall issue a minimum child support order requiring the obligor to pay a minimum of fifty eighty dollars a month. The court or agency, in its discretion and in appropriate circumstances, may issue a minimum child support order requiring the obligor to pay less than fifty eighty dollars a month or not requiring the obligor to pay an amount for support. The circumstances under which a court or agency may issue such an order include the nonresidential parent's medically verified or documented physical or mental disability or institutionalization in a facility for persons with a mental illness or any other circumstances considered appropriate by the court or agency.

If a court or agency issues a minimum child support order pursuant to this section and the obligor under the support order is the recipient of need-based public assistance, any unpaid amounts of support due under the support order shall accrue as arrearages from month to month, and the obligor's current obligation to pay the support due under the support order is suspended during any period of time that the obligor is receiving need-based public assistance and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code. The court, obligee, and child support enforcement agency shall not enforce the obligation of the obligor to pay the amount of support due under the support order while the obligor is receiving need-based public assistance and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code.

Vote Number Thirteen: Yes-14; No-0; Abstain-0

Medical Support

Issue: Recent changes to medical support provisions have proved difficult to implement. Currently, the guidelines worksheets require the establishment of two child support amounts (one when health insurance is provided and another when health insurance is not provided) in addition to a separate cash medical support amount. Calculating the amounts has proven to be extraordinarily complex for both courts and CSEAs which has resulted in inconsistent application of the medical support provisions statewide.

Discussion: The Council created a subcommittee to provide research and analysis of the federal and state requirements for medical support. The subcommittee consisted of individuals who were very familiar with the recent implementation of the new medical support provisions.

Currently, an individual receives a credit for marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of the order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance). The guidelines result in two child support ordered payments; one when health insurance is provided and a second, higher obligation, for when health insurance is not provided (the increase is caused by removal of the credit for costs which are no longer incurred by the health insurance obligor). The separate cash medical payment is also included as part of the guidelines worksheet, but is only payable when health insurance is not provided.

The subcommittee focused on simplifying the worksheets and the calculation of the cash medical support obligation and quickly concluded that the existing system must be overhauled. The current method is confusing for CSEAs and courts; is inequitable; and ultimately results in orders that do not adequately provide for the health care needs of the child of the order. There was nearly immediate agreement that the process can be vastly simplified by having only two ordered amounts in each child support order: one for child support and a second for a cash medical payment which is paid when health insurance is not being provided.

The subcommittee identified two different methodologies for establishing a "two ordered payments solution": one which continues to rely on the actual health care expenditures of the parties and a second which uses reliable health care cost estimates that are built into the child support schedule itself.

Actual Costs

One method for simplifying the worksheets and arriving at two ordered payments is to continue to credit the amount of money an individual pays towards health insurance for the child, but no longer calculate a second child support amount that removes the credit when health insurance is not being provided. The obligor should continue to receive credit for the actual cost of providing private health insurance if it is being provided. However, when the child support obligor is not providing health insurance, the obligor will pay a cash medical obligation that represents his or her income share of the insurance cost identified at the inception of the order in addition

to the child support. In the event that neither party has insurance available at the time the worksheet calculation is performed in determining the order, and an estimate is needed to establish the cash medical obligation, the obligor will be required to pay his or her income share of the USDA estimate of the cost of providing health care. This method preserves the principle that an individual should receive credit for actual out-of-pocket costs for providing private health insurance.

Although the Actual Cost methodology was ultimately not adopted by the Council, the Council acknowledges that implementation of the simplified Actual Cost method is an interim measure.

Cost Estimates

A second method for simplifying the worksheets and arriving at two ordered payments is to adopt a second schedule based on the US Department of Agriculture (USDA) health care expenditure estimates. The individual carrying health insurance will receive a 50% credit for USDA estimated health care expenditures when providing health insurance coverage. A single child support obligation amount would be paid when health insurance is being provided. When health insurance is not being provided there is no credit and the obligor would pay their proportionate share of the amount drawn from the basic child support Schedule C. Using USDA estimates for health care expenditures in this way is analogous to the manner in which other expenditures (except day care) are currently estimated and rolled into the basic child support schedule. The guidelines would result in a child support figure and a medical support figure representing the health insurance portion and the total medical support portion of the estimated medical support figure.

Regardless of the methodology used to simplify medical support, certain existing provisions should remain the same: the definition of reasonable cost and the restriction upon paying medical support if an individual is at or below a given income threshold.

- Options:
- Option One: Take no action.
 - Option Two: Adopt the Actual Cost methodology.
 - Option Three: Adopt Basic Child Support Schedule C and the Cost Estimate methodology.

The Council recommends the adoption of Option Three. The Council believes that implementation of Option Three will improve the medical support process and result in improved compliance and consistent orders. This meets the Council's goal of simplifying the worksheet and identifying two obligations on the worksheet: one for child support and another for medical support.

The Council recommends adoption of the following basic child support schedule:

Schedule of Medical Support Obligations

Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
10830.00	269	419	458	487	513	536
11400.00	283	441	482	513	540	565
12000.00	298	465	508	540	569	594
12600.00	313	488	533	567	597	624
13200.00	328	511	558	594	625	654
13800.00	343	534	584	621	654	683
14400.00	358	557	609	648	682	713
15000.00	373	581	635	675	711	743
15600.00	388	604	660	702	739	773
16200.00	402	627	685	729	768	802
16800.00	417	650	711	756	796	832
17400.00	432	674	736	783	824	862
18000.00	447	697	761	810	853	891
18600.00	462	720	787	837	881	921
19200.00	477	743	812	864	910	951
19800.00	492	767	838	891	938	981
20400.00	507	790	863	918	967	1010
21000.00	522	813	888	945	995	1040
21600.00	537	836	914	972	1023	1070
22200.00	551	859	939	999	1052	1099
22800.00	566	883	964	1026	1080	1129
23400.00	581	906	990	1053	1109	1159
24000.00	596	929	1015	1079	1137	1189
24600.00	611	952	1041	1106	1165	1218
25200.00	626	976	1066	1133	1194	1248
25800.00	641	999	1091	1160	1222	1278
26400.00	656	1022	1117	1187	1251	1307
27000.00	671	1045	1142	1214	1279	1337
27600.00	686	1069	1167	1241	1308	1367
28200.00	701	1092	1193	1268	1336	1397
28800.00	712	1110	1212	1289	1358	1420
29400.00	717	1118	1222	1300	1370	1433

30000.00		722	1126	1231	1311	1382	1445
30600.00		727	1134	1241	1321	1393	1458
31200.00		732	1142	1250	1332	1405	1471
31800.00		737	1150	1260	1342	1416	1483
32400.00		742	1159	1269	1353	1428	1496
33000.00		747	1167	1279	1363	1440	1508
33600.00		752	1175	1288	1374	1451	1521
34200.00		758	1183	1297	1384	1463	1534
34800.00		763	1191	1307	1395	1474	1546
35400.00		768	1199	1316	1405	1486	1559
36000.00		773	1208	1326	1416	1498	1571
36600.00		778	1216	1335	1427	1509	1584
37200.00		783	1224	1345	1437	1521	1597
37800.00		788	1232	1354	1448	1532	1609
38400.00		793	1240	1364	1458	1544	1622
39000.00		798	1248	1373	1469	1556	1634
39600.00		803	1257	1382	1479	1567	1647
40200.00		808	1265	1392	1490	1579	1660
40800.00		813	1273	1401	1500	1590	1672
41400.00		818	1281	1411	1511	1602	1685
42000.00		823	1289	1420	1521	1614	1697
42600.00		828	1297	1430	1532	1625	1710
43200.00		834	1306	1439	1542	1637	1723
43800.00		839	1314	1448	1553	1648	1735
44400.00		844	1322	1458	1564	1660	1748
45000.00		849	1330	1467	1574	1672	1760
45600.00		854	1338	1477	1585	1683	1773
46200.00		859	1347	1486	1595	1695	1786
46800.00		864	1355	1496	1606	1706	1798
47400.00		869	1363	1505	1616	1718	1811
48000.00		874	1371	1515	1627	1730	1823
48600.00		879	1379	1524	1637	1741	1836
49200.00		884	1387	1533	1648	1753	1849
49800.00		889	1396	1543	1658	1764	1861
50400.00		894	1404	1552	1669	1776	1874
51000.00		899	1412	1562	1680	1788	1887

51600.00		904	1420	1571	1690	1799	1899
52200.00		910	1428	1581	1701	1811	1912
52800.00		915	1436	1590	1711	1822	1924
53400.00		920	1445	1599	1722	1834	1937
54000.00		925	1453	1609	1732	1845	1950
54600.00		930	1461	1618	1743	1857	1962
55200.00		935	1469	1628	1753	1869	1975
55800.00		940	1477	1637	1764	1880	1987
56400.00		945	1485	1647	1774	1892	2000
57000.00		950	1494	1656	1785	1903	2013
57600.00		955	1502	1666	1796	1915	2025
58200.00		960	1510	1675	1806	1927	2038
58800.00		965	1518	1684	1817	1938	2050
59400.00		970	1526	1694	1827	1950	2063
60000.00		975	1534	1703	1838	1961	2076
60600.00		980	1543	1713	1848	1973	2088
61200.00		984	1548	1719	1855	1980	2096
61800.00		986	1551	1722	1859	1985	2101
62400.00		988	1554	1726	1863	1989	2106
63000.00		990	1557	1730	1867	1994	2111
63600.00		992	1561	1734	1872	1999	2116
64200.00		994	1564	1737	1876	2003	2121
64800.00		996	1567	1741	1880	2008	2126
65400.00		998	1571	1745	1884	2013	2131
66000.00		1000	1574	1749	1888	2017	2136
66600.00		1002	1577	1752	1893	2022	2141
67200.00		1004	1580	1756	1897	2027	2146
67800.00		1006	1584	1760	1901	2031	2151
68400.00		1008	1587	1764	1905	2036	2156
69000.00		1010	1590	1768	1909	2040	2161
69600.00		1012	1593	1771	1914	2045	2166
70200.00		1014	1597	1775	1918	2050	2172
70800.00		1016	1600	1779	1922	2054	2177
71400.00		1018	1603	1783	1926	2059	2182
72000.00		1020	1606	1786	1931	2064	2187
72600.00		1022	1610	1790	1935	2068	2192

73200.00		1024	1613	1794	1939	2073	2197
73800.00		1026	1616	1798	1943	2077	2202
74400.00		1028	1619	1802	1947	2082	2207
75000.00		1030	1623	1805	1952	2087	2212
75600.00		1032	1626	1809	1956	2091	2217
76200.00		1034	1629	1813	1960	2096	2222
76800.00		1036	1633	1817	1964	2101	2227
77400.00		1038	1636	1820	1968	2105	2232
78000.00		1040	1639	1824	1973	2110	2237
78600.00		1042	1642	1828	1977	2115	2242
79200.00		1044	1646	1832	1981	2119	2247
79800.00		1046	1649	1835	1985	2124	2252
80400.00		1048	1652	1839	1990	2128	2257
81000.00		1050	1655	1843	1994	2133	2262
81600.00		1052	1659	1847	1998	2138	2267
82200.00		1054	1662	1851	2002	2142	2272
82800.00		1056	1665	1854	2006	2147	2277
83400.00		1058	1668	1858	2011	2152	2282
84000.00		1060	1672	1862	2015	2156	2287
84600.00		1062	1675	1866	2019	2161	2292
85200.00		1065	1678	1869	2023	2166	2297
85800.00		1067	1682	1873	2027	2170	2302
86400.00		1069	1685	1877	2032	2175	2307
87000.00		1071	1688	1881	2036	2179	2313
87600.00		1073	1691	1884	2040	2184	2318
88200.00		1075	1695	1888	2044	2189	2323
88800.00		1077	1698	1892	2048	2193	2328
89400.00		1079	1701	1896	2053	2198	2333
90000.00		1081	1704	1900	2057	2203	2338
90600.00		1083	1708	1903	2061	2207	2343
91200.00		1085	1711	1907	2065	2212	2348
91800.00		1087	1714	1911	2070	2216	2353
92400.00		1089	1717	1915	2074	2221	2358
93000.00		1091	1721	1918	2078	2226	2363
93600.00		1093	1724	1922	2082	2230	2368
94200.00		1095	1727	1926	2086	2235	2373

94800.00		1097	1730	1930	2091	2240	2378
95400.00		1099	1734	1933	2095	2244	2383
96000.00		1101	1737	1937	2099	2249	2388
96600.00		1103	1740	1941	2103	2254	2393
97200.00		1105	1744	1945	2107	2258	2398
97800.00		1107	1747	1949	2112	2263	2403
98400.00		1109	1750	1952	2116	2267	2408
99000.00		1111	1753	1956	2120	2272	2413
99600.00		1113	1757	1960	2124	2277	2418
100200.00		1115	1760	1964	2128	2281	2423
100800.00		1117	1763	1967	2133	2286	2428
101400.00		1119	1766	1971	2137	2291	2433
102000.00		1121	1770	1975	2141	2295	2438
102600.00		1123	1773	1979	2145	2300	2443
103200.00		1125	1776	1982	2150	2305	2448
103800.00		1127	1779	1986	2154	2309	2454
104400.00		1129	1783	1990	2158	2314	2459
105000.00		1131	1786	1994	2162	2318	2464
105600.00		1133	1789	1998	2166	2323	2469
106200.00		1135	1793	2001	2171	2328	2474
106800.00		1137	1796	2005	2175	2332	2479
107400.00		1139	1799	2009	2179	2337	2484
108000.00		1141	1802	2013	2183	2342	2489
108600.00		1143	1806	2016	2187	2346	2494
109200.00		1145	1809	2020	2192	2351	2499
109800.00		1148	1812	2024	2196	2355	2504
110400.00		1150	1815	2028	2200	2360	2509
111000.00		1152	1819	2032	2204	2365	2514
111600.00		1154	1822	2035	2209	2369	2519
112200.00		1156	1825	2039	2213	2374	2524
112800.00		1158	1828	2043	2217	2379	2529
113400.00		1160	1832	2047	2221	2383	2534
114000.00		1162	1835	2050	2225	2388	2539
114600.00		1164	1838	2054	2230	2393	2544
115200.00		1166	1841	2058	2234	2397	2549
115800.00		1165	1840	2056	2232	2395	2547

116400.00		1164	1839	2055	2230	2393	2545
117000.00		1163	1837	2053	2228	2391	2542
117600.00		1162	1835	2051	2226	2388	2540
118200.00		1161	1834	2049	2224	2386	2537
118800.00		1160	1832	2047	2222	2384	2535
119400.00		1159	1830	2045	2219	2381	2532
120000.00		1158	1829	2043	2217	2379	2530
120600.00		1157	1827	2041	2215	2377	2527
121200.00		1156	1825	2039	2213	2374	2524
121800.00		1155	1824	2037	2211	2372	2522
122400.00		1154	1822	2036	2209	2370	2519
123000.00		1153	1820	2034	2207	2367	2517
123600.00		1152	1819	2032	2205	2365	2514
124200.00		1151	1817	2030	2202	2363	2512
124800.00		1150	1816	2028	2200	2360	2509
125400.00		1149	1814	2026	2198	2358	2507
126000.00		1148	1812	2024	2196	2356	2504
126600.00		1147	1811	2022	2194	2353	2502
127200.00		1146	1809	2020	2192	2351	2499
127800.00		1145	1807	2018	2190	2349	2497
128400.00		1144	1806	2017	2188	2346	2494
129000.00		1143	1804	2015	2186	2344	2491
129600.00		1142	1802	2013	2183	2342	2489
130200.00		1140	1801	2011	2181	2339	2486
130800.00		1139	1799	2009	2179	2337	2484
131400.00		1138	1797	2007	2177	2335	2481
132000.00		1137	1796	2005	2175	2332	2479
132600.00		1136	1794	2003	2173	2330	2476
133200.00		1135	1793	2001	2171	2328	2474
133800.00		1134	1791	2000	2169	2325	2471
134400.00		1133	1789	1998	2166	2323	2469
135000.00		1132	1788	1996	2164	2321	2466
135600.00		1131	1786	1994	2162	2318	2464
136200.00		1130	1784	1992	2160	2316	2461
136800.00		1129	1783	1990	2158	2314	2459
137400.00		1128	1781	1988	2156	2311	2456

138000.00		1127	1779	1986	2154	2309	2453
138600.00		1126	1778	1984	2152	2307	2451
139200.00		1125	1776	1982	2149	2304	2448
139800.00		1124	1774	1981	2147	2302	2446
140400.00		1123	1773	1979	2145	2300	2443
141000.00		1122	1771	1977	2143	2297	2441
141600.00		1121	1770	1975	2141	2295	2438
142200.00		1120	1768	1973	2139	2293	2436
142800.00		1119	1766	1971	2137	2290	2433
143400.00		1118	1765	1969	2135	2288	2431
144000.00		1117	1763	1967	2133	2286	2428
144600.00		1116	1761	1965	2130	2283	2426
145200.00		1115	1760	1963	2128	2281	2423
145800.00		1114	1758	1962	2126	2279	2421
146400.00		1113	1756	1960	2124	2276	2418
147000.00		1112	1755	1958	2122	2274	2415
147600.00		1111	1753	1956	2120	2272	2413
148200.00		1110	1751	1954	2118	2269	2410
148800.00		1109	1750	1952	2116	2267	2408
149400.00		1108	1748	1950	2113	2265	2405
150000.00		1107	1747	1948	2111	2262	2403
150600.00		1106	1745	1946	2109	2260	2400
151200.00		1105	1743	1944	2107	2258	2398
151800.00		1104	1742	1943	2105	2255	2395
152400.00		1103	1740	1941	2103	2253	2393
153000.00		1102	1738	1939	2101	2251	2390
153600.00		1101	1737	1937	2099	2248	2388
154200.00		1100	1735	1935	2096	2246	2385
154800.00		1099	1733	1933	2094	2244	2383
155400.00		1098	1732	1931	2092	2241	2380
156000.00		1097	1730	1929	2090	2239	2377
156600.00		1096	1728	1927	2088	2237	2375
157200.00		1095	1727	1926	2086	2234	2372
157800.00		1094	1725	1924	2084	2232	2370
158400.00		1093	1724	1922	2082	2230	2367
159000.00		1092	1722	1920	2080	2227	2365

159600.00		1091	1720	1918	2077	2225	2362
160200.00		1090	1719	1916	2075	2223	2360
160800.00		1089	1717	1914	2073	2220	2357
161400.00		1088	1715	1912	2071	2218	2355
162000.00		1086	1714	1910	2069	2216	2352
162600.00		1085	1712	1908	2067	2214	2350
163200.00		1084	1710	1907	2065	2211	2347
163800.00		1083	1709	1905	2063	2209	2345
164400.00		1082	1707	1903	2060	2207	2342
165000.00		1081	1705	1901	2058	2204	2339
165600.00		1080	1704	1899	2056	2202	2337
166200.00		1079	1702	1897	2054	2200	2334
166800.00		1078	1701	1895	2052	2197	2332
167400.00		1077	1699	1893	2050	2195	2329
168000.00		1076	1697	1891	2048	2193	2327
168600.00		1075	1696	1889	2046	2190	2324
169200.00		1074	1694	1888	2044	2188	2322
169800.00		1073	1692	1886	2041	2186	2319
170400.00		1072	1691	1884	2039	2183	2317
171000.00		1071	1689	1882	2037	2181	2314
171600.00		1070	1687	1880	2035	2179	2312
172200.00		1069	1686	1878	2033	2176	2309
172800.00		1068	1684	1876	2031	2174	2306
173400.00		1067	1682	1874	2029	2172	2304
174000.00		1066	1681	1872	2027	2169	2301
174600.00		1065	1679	1870	2024	2167	2299
175200.00		1064	1678	1869	2022	2165	2296
175800.00		1063	1676	1867	2020	2162	2294
176400.00		1062	1674	1865	2018	2160	2291
177000.00		1061	1673	1863	2016	2158	2289
177600.00		1060	1671	1861	2014	2155	2286
178200.00		1059	1669	1859	2012	2153	2284
178800.00		1058	1668	1857	2010	2151	2281
179400.00		1057	1666	1855	2007	2148	2279
180000.00		1056	1664	1853	2005	2146	2276
180600.00		1055	1663	1852	2003	2144	2274

181200.00		1054	1661	1850	2001	2141	2271
181800.00		1053	1659	1848	1999	2139	2268
182400.00		1052	1658	1846	1997	2137	2266
183000.00		1051	1656	1844	1995	2134	2263
183600.00		1050	1655	1842	1993	2132	2261
184200.00		1049	1653	1840	1991	2130	2258
184800.00		1048	1651	1838	1988	2127	2256
185400.00		1047	1650	1836	1986	2125	2253
186000.00		1046	1648	1834	1984	2123	2251
186600.00		1045	1646	1833	1982	2120	2248
187200.00		1044	1645	1831	1980	2118	2246
187800.00		1043	1643	1829	1978	2116	2243
188400.00		1042	1641	1827	1976	2113	2241
189000.00		1041	1640	1825	1974	2111	2238
189600.00		1040	1638	1823	1971	2109	2236
190200.00		1039	1636	1821	1969	2106	2233
190800.00		1038	1635	1819	1967	2104	2230
191400.00		1037	1633	1817	1965	2102	2228
192000.00		1036	1632	1815	1963	2099	2225
192600.00		1035	1630	1814	1961	2097	2223
193200.00		1034	1628	1812	1959	2095	2220
193800.00		1033	1627	1810	1957	2092	2218
194400.00		1031	1625	1808	1954	2090	2215
195000.00		1030	1623	1806	1952	2088	2213
195600.00		1029	1622	1804	1950	2085	2210
196200.00		1028	1620	1802	1948	2083	2208
196800.00		1027	1618	1800	1946	2081	2205
197400.00		1026	1617	1798	1944	2078	2203
198000.00		1025	1615	1796	1942	2076	2200
198600.00		1024	1613	1795	1940	2074	2198
199200.00		1023	1612	1793	1938	2071	2195
199800.00		1022	1610	1791	1935	2069	2192
200400.00		1021	1609	1789	1933	2067	2190
201000.00		1020	1607	1787	1931	2064	2187
201600.00		1019	1605	1785	1929	2062	2185
202200.00		1018	1604	1783	1927	2060	2182

202800.00		1017	1602	1781	1925	2057	2180
203400.00		1016	1600	1779	1923	2055	2177
204000.00		1015	1599	1778	1921	2053	2175
204600.00		1014	1597	1776	1918	2050	2172
205200.00		1013	1595	1774	1916	2048	2170
205800.00		1012	1594	1772	1914	2046	2167
206400.00		1011	1592	1770	1912	2043	2165
207000.00		1010	1590	1768	1910	2041	2162
207600.00		1009	1589	1766	1908	2039	2160
208200.00		1008	1587	1764	1906	2036	2157
208800.00		1007	1586	1762	1904	2034	2154
209400.00		1006	1584	1760	1902	2032	2152
210000.00		1005	1582	1759	1899	2029	2149
210600.00		1004	1581	1757	1897	2027	2147
211200.00		1003	1579	1755	1895	2025	2144
211800.00		1002	1577	1753	1893	2022	2142
212400.00		1001	1576	1751	1891	2020	2139
213000.00		1000	1574	1749	1889	2018	2137
213600.00		999	1572	1747	1887	2015	2134
214200.00		998	1571	1745	1885	2013	2132
214800.00		997	1569	1743	1882	2011	2129
215400.00		996	1567	1741	1880	2008	2127
216000.00		995	1566	1740	1878	2006	2124
216600.00		994	1564	1738	1876	2004	2121
217200.00		993	1563	1736	1874	2001	2119
217800.00		992	1561	1734	1872	1999	2116
218400.00		991	1559	1732	1870	1997	2114
219000.00		990	1558	1730	1868	1994	2111
219600.00		989	1556	1728	1865	1992	2109
220200.00		988	1554	1726	1863	1990	2106
220800.00		987	1553	1724	1861	1987	2104
221400.00		986	1551	1722	1859	1985	2101
222000.00		985	1549	1721	1857	1983	2099
222600.00		984	1548	1719	1855	1980	2096
223200.00		983	1546	1717	1853	1978	2094
223800.00		982	1544	1715	1851	1976	2091

224400.00		981	1543	1713	1849	1973	2089
225000.00		980	1541	1711	1846	1971	2086
225600.00		979	1540	1709	1844	1969	2083
226200.00		978	1538	1707	1842	1966	2081
226800.00		976	1536	1705	1840	1964	2078
227400.00		975	1535	1704	1838	1962	2076
228000.00		974	1533	1702	1836	1959	2073
228600.00		973	1531	1700	1834	1957	2071
229200.00		972	1530	1698	1832	1955	2068
229800.00		971	1528	1696	1829	1952	2066
230400.00		970	1526	1694	1827	1950	2063
231000.00		969	1525	1692	1825	1948	2061
231600.00		968	1523	1690	1823	1945	2058
232200.00		967	1521	1688	1821	1943	2056
232800.00		966	1520	1686	1819	1941	2053
233400.00		965	1518	1685	1817	1938	2051
234000.00		964	1517	1683	1815	1936	2048
234600.00		963	1515	1681	1812	1934	2045
235200.00		962	1513	1679	1810	1931	2043
235800.00		961	1512	1677	1808	1929	2040
236400.00		960	1510	1675	1806	1927	2038
237000.00		959	1508	1673	1804	1924	2035
237600.00		958	1507	1671	1802	1922	2033
238200.00		957	1505	1669	1800	1920	2030
238800.00		956	1503	1667	1798	1917	2028
239400.00		955	1502	1666	1796	1915	2025
240000.00		954	1500	1664	1793	1913	2023
240600.00		953	1498	1662	1791	1910	2020
241200.00		952	1497	1660	1789	1908	2018
241800.00		951	1495	1658	1787	1906	2015
242400.00		950	1494	1656	1785	1903	2013
243000.00		949	1492	1654	1783	1901	2010
243600.00		948	1490	1652	1781	1899	2007
244200.00		947	1489	1650	1779	1896	2005
244800.00		946	1487	1648	1776	1894	2002
245400.00		945	1485	1647	1774	1892	2000

246000.00		944	1484	1645	1772	1889	1997
246600.00		943	1482	1643	1770	1887	1995
247200.00		942	1480	1641	1768	1885	1992
247800.00		941	1479	1639	1766	1882	1990
248400.00		940	1477	1637	1764	1880	1987
249000.00		939	1475	1635	1762	1878	1985
249600.00		938	1474	1633	1760	1875	1982
250200.00		937	1472	1631	1757	1873	1980

Vote Number Eighteen: Yes-12; No-1; Abstain-1

Self Support Reserve

Issue: Currently, when a custodial parent has an income equal to or greater than a noncustodial parent who is at or near poverty level, the noncustodial parent may be ordered to pay child support in an amount that is disproportionate to his or actual ability to pay. The self support reserve built into the basic child support table assumes a basic subsistence level for the parties, but the income of the obligee can skew the numbers for the obligor. Therefore, there is no real test of the noncustodial parent's ability to meet the support obligation and maintain a modicum of self-support.

Discussion: The Council discussed what impact a self-support reserve could be expected to have on the household of both the custodial and noncustodial parent. The consensus of the Council was that while various state and federal public assistance programs provide the custodial parent with a safety net, there is no such protection for the noncustodial parent. When the child support order does not reflect the noncustodial parent's actual ability to pay, it can drive the noncustodial parent into poverty (or deeper into poverty).

Options: Option One: Take no action.

Option Two: Propose a self-support reserve test that will result in an adjustment to the child support obligation when the noncustodial parent is at or below the federal poverty level.

The Council recommends Option Two: The Council recommends the adoption of section 3119.041 to the Revised Code and the creation of a new deviation factor to be included in section 3119.23 of the Revised Code.

3119.041 Self support reserve.

In any action in which a court or support enforcement agency issues or modifies a child support order, the court or agency shall, after determining the annual child support obligation, perform a self support reserve test to identify the obligor's financial ability to maintain a minimum subsistence level and pay the ordered amount of support.

(A) When the obligor's gross income is equal to or less than one hundred per cent of the federal poverty level for one individual, the obligor's monthly child support obligation shall be established in accordance with section 3119.06 of the Revised Code.

(B) When the obligor's gross income is greater than one hundred per cent of the federal poverty level and the difference between the obligor's gross income and annual child support obligation is less than or equal to one hundred per cent of the federal poverty level for one individual, the obligor's annual child support obligation is reduced to the difference between the obligor's gross income and one hundred per cent of the federal poverty level, but not less than an amount established in accordance with section 3119.06 of the Revised Code.

(C) When the difference between the obligor's gross income and annual child support obligation is

greater than one hundred per cent of the federal poverty level, the obligation is equal to the amount calculated pursuant to the basic child support schedule and applicable worksheet.

3119.23 Factors to be considered in granting a deviation.

The obligee's gross income is equal to or less than one hundred per cent of the federal poverty level.

Vote Number Fourteen: Yes-13; No-0; Abstain-1

Parenting Time Adjustment

Issue: An underlying assumption built into the basic child support schedule is that the child is constantly in the custodial parent's household and that all costs for raising the child are assumed by the custodial parent. Variable costs (such as food and shelter) which follow the child from household to household and increase proportional to the amount of time the child is in the household of the noncustodial parent, are not considered, thus the noncustodial parent does not retain any of the annual child support obligation to cover the costs. The guidelines do not adjust the annual obligation based on the time the child spends in the noncustodial parent's household. The duplicate costs of having the child in two separate households makes it more expensive to raise a child in two households than one.

Discussion: From the onset, the Council identified a continuum of parenting time beginning with the standard parenting time order (which in Ohio ranges from 20-28% of the time) and extending to a shared parenting agreement which may reach or exceed 40% parenting time. Based on feedback from the public, the experiences and observations of members of the Council, and the work of previous Councils, the Council concluded that a two-fold approach is necessary to bring equity to parenting time.

1. A standard adjustment for those cases with standard parenting time order.
2. A standard methodology for calculating an adjustment for those cases that involve a shared parenting order

The Council also how the law should treat circumstances in which parenting time as ordered, is not exercised. It was agreed that the adjustment for parenting time is predicated on parenting time actually being exercised and that if the noncustodial parent failed to exercise the parenting time, there should be a mechanism for the custodial parent to have the parenting time adjustment removed.

Options: Standard Parenting Time Order

Option One: Take no action.

Option Two: When there is a standard parenting time order, the noncustodial parent's annual obligation should be reduced by 8.75% of the total annual obligation.

Shared Parenting Time Order

Option One: Take no action

Option Two: When parenting time exceeds 40%, the noncustodial parent's annual obligation should be reduced by 8.75% of the total annual obligation.

Option Three: When parenting time exceeds 40%, adjust the noncustodial parent's obligation by offsetting the larger child support obligation with the smaller obligation.

Option Four: When parenting time exceeds 40%, multiply the total annual obligation by a factor of 1.5, then adjust the noncustodial parent's obligation by

offsetting the larger child support obligation with the smaller obligation.

Combined Option

When there is a standard parenting time order less than 40%, the noncustodial parent's annual obligation should be reduced by 8.75% of the total annual obligation. When parenting time is equal to or exceeds 40%, the child support obligation should be calculated using a shared parenting specific worksheet. With this worksheet the total annual obligation will be multiplied by a factor of 1.5. The larger child support obligation will be offset by the smaller obligation. This results in the net annual support payable when parenting time is equal. A shared parenting order that does not split parenting equally should be adjusted on a sliding scale, as follows: for every one percent of parenting time less than 50% there should be a two percent increase in the child support obligation.

The Council recommends the Combined Option: An 8.75% credit is based on economic data that shows about 35% of the annual child support obligation is to cover variable expenditures and that the average standard parenting time order is for 25% of the time ($25\% \times 35\% = 8.75\%$).

To ensure that the standard parenting time adjustment is applied only in those cases where the noncustodial parent is actually exercising the court ordered parenting time, the Council recommends adding a new reason for initiating a review of the support order. The new reason shall specify that the support enforcement agency will conduct an administrative review and adjustment of a child support order earlier than three years after most recent support order if the noncustodial parent has failed to comply with court ordered parenting time without just cause. Consistent with another recommendation of this Council, the support enforcement agency should assume that the grounds for the previously granted parenting time adjustment are ongoing and do not require an adjustment. The custodial parent may object to the inclusion of the parenting time adjustment by appealing directly to the court or proper jurisdiction.

The Council believes that applying a multiplier of 1.5 to the annual obligation when there is extraordinary parenting time will make the annual obligation more reflective of the actual cost of having a child in two separate households. The multiplier and the parenting time adjustment provides a method for distributing the actual cost of raising a child using the income shares model. Offsetting the larger obligation with the smaller obligation allows the noncustodial parent to retain a portion of the annual obligation that is proportionate to the extraordinary amount of time the child is in that person's household.

Vote Number Fifteen: Yes-11; No-1; Abstain-2

Vote Number Seventeen: Yes-11; No-0; Abstain-1

Vote Seventeen approved a motion to revise the previously approved (vote fifteen) parenting time adjustment recommendation to reflect a 1.65 multiplier.

Council Deliberations

Child Care

Currently, a party receives an adjustment to their annual income for the amount the actual annual of child care expenses they pay for the child(ren) of the order. Before applying the adjustment, the CSEA or court must first deduct the amount of the child care tax credit, regardless of whether or not it was actually claimed. The Council discussed potential changes to the methodology of calculating child care costs and looked for other opportunities to simplify the method of applying the adjustment.

The Council reviewed the 2008 Ohio Child Care Market Rate Survey Analysis prepared by The Ohio State University Statistical Consulting Service. There was a great deal of discussion as to whether or not the results of the study could be incorporated into the basic child support schedule, thus treating child care expenses the same as housing and other estimated costs that are factored into the schedule. Ultimately, the Council decided that this approach was not feasible because child care costs are based upon too many variables, such as the age of the child; the time the child is in child care; the time of day the child receives child care; and regional differences in cost. Furthermore, it is difficult to separate the cost of actual child care from the cost of the educational component that may accompany the child care service.

The Council believes that the current methodology of adjusting income by the actual cost of child care expenditures, offset by the child care tax credit, is the most efficient methodology.

Shared Parenting Time Adjustment

After receiving constituent feedback on the recommendation approved by the Council, the Council considered an alternate method for calculating a shared parenting adjustment. The alternate method utilizes the income shares model to determine each parent's annual obligation, then allocates the support obligation based between the parties based on the amount of each parent's court ordered parenting time (or parenting share).

The Council discussed whether or not allocating the support obligation based on parenting shares (as opposed to income shares) was an improvement to the previously approved recommendation. While the Council was open to alternate methods and recognized that there might be other ways to bring equity to shared parenting cases, there was a concern that the Council lacked evidence to support a parenting share approach. The Council felt that it lacked the time and resources necessary to address this alternative methodology. The Council supports further research and discussion into the relationship between the exercise of parenting time and actual expenditures on the child. However, the shared parenting time recommendation made by the Council is based on the best evidence available, is intended to encourage shared parenting, and will allow non-custodial parents to retain a equitable portion of the support obligation to offset costs they assume when exercising parenting time.

Credit for Other Obligations

The Council was asked by members of the public to revisit the recommendation adjusting credit for other support obligations. Specifically, the Council was encouraged to justify the rationale for recommending the complete removal of the credit for child support paid on other cases. It was suggested that a credit for child support paid on other cases is the best way to recognize a parent's

duty to support another child. The Council engaged in further discussion regarding the credit, but ultimately came to the same conclusion: whether the credit is for child support paid or child support ordered, it could have a disproportionate and negative effect on one of the parties. The one-half tax exemption is intended to be an equitable and reasonable method for providing credit when a parent has the duty to support another child.

The Council was also advised that, at the federal level, there has been discussion of an incentive for paying child support in the form of a potential tax credit or deduction. It is assumed that a tax credit may be calculated in the same manner as the current credit for child care expenses.

Accountability

A number of commenters on the public website and at the public forums expressed their desire to require child support obligees to account for their use of child support payments. The commenters often cited their own observation of an obligee that had used child support for their own personal gratification rather than for the direct support of their child. Others expressed a more general belief that, since the child support payment was required under the law in order to provide material support for the child, the law should likewise require the obligee to produce evidence of the material support provided for the child.

The Council considered these comments and concluded that such a requirement would provide no benefit to the child. It would impose an unnecessary burden on the caretaker to itemize and justify expenditures he or she must make as a matter of course to house, feed, transport, educate, and otherwise provide for the needs of the child. It would involve the child support enforcement agency and the court in evidentiary conflicts about parental decisions they have no authority, expertise, or resources to resolve.

The Council is aware that a parent may provide support in a manner inconsistent with the beliefs or priorities of the other parent. To put the state in the position of choosing between these potentially competing priorities would not benefit the child and would likely lead to increased contention between some parents. Furthermore, a caretaker who neglects or abuses a child in his or her home is properly subject to the jurisdiction of the child welfare system and the juvenile courts rather than the child support program. The child welfare system and the courts are specifically empowered to address these issues. A parent who has a reasonable belief that neglect or abuse is taking place should alert the appropriate child welfare agency or court.

Administrative Deviations

Currently, an administrative hearing officer may only order the obligor to pay the presumed child support obligation. If the parents agree that the presumed obligation does not meet the needs of their child and wish to establish an alternate obligation amount based on their own circumstances, they must appeal the administrative order to court. It has been reported that it can take months for the parties to actually have a court hearing and once there, the court may not consider the agreement between the parties and limit the hearing as to whether or not the administrative hearing officer had made a mistake of fact when calculating the order.

The Council was presented with a recommendation which would have allowed administrative hearing officers to grant deviations only in those circumstances where the parties to the order have a written agreement to deviate from the presumed amount. The rationale for the recommendation was that parents are in the best position to determine the amount of support that satisfies the best

interests of their child(ren). CSEA Hearing Officers are already authorized to consider evidence concerning factual assertions regarding income and medical support information provided by the parties and can be trained to appropriately accept or deny the agreement of the parties. By allowing either party the option of rescinding the agreement, without limitation but within a reasonable time frame, the effect of any duress that may have led to the apparent acceptance of the agreement would be limited effectively.

Although the Council voted to continue working on a recommendation that would address issues some members had with the recommendation as first presented, the Council ultimately did not put forth a recommendation concerning administrative deviations when parents agree.

Appendix A: Public Feedback

Methods

Community Forums

Date	Time	Location	Attendees
July 24, 2008	11am to 1pm	Franklin County	15
July 24, 2008	5pm to 7pm	Franklin County	6
July 30, 2008	11am to 1pm	Lucas County	25
July 30, 2008	11am to 1pm	Mercer County	9
August 5, 2008	11am to 1pm	Cuyahoga County	55
August 5, 2008	5pm to 7pm	Cuyahoga County	30
August 18, 2008	11am to 1pm	Hamilton County	5
August 18, 2008	5pm to 7pm	Hamilton County	8
August 22, 2008	11am to 1pm	Scioto County	5
August 22, 2008	5pm to 7pm	Athens County	7
September 23, 2008	5:30pm to 8pm	Muskingum County	40

Web Site

The public was able to submit comments to the Council through the Child Support Guidelines Advisory Council website between July 1 and September 30, 2008. The website identified respondents by county and whether or not they were an obligor; obligee; both an obligor and an obligee; an employer, a CSEA/Government Agency; or other.

The Council received two hundred comments through the website: 37% from obligors; 26% from "others"; 25% from obligees; 7% from CSEA/Government Agencies; 6% from individuals that are both obligors and obligees; and 1% from employers. More than half of the comments received from the web site were either outside the scope of the Council's work or were specific to an individual case. Comments made regarding specific cases were either addressed during the forum or the individual was contacted afterwards for follow-up. Over 30% of the total web comments related to either the imputation of income, changes to the child support worksheets or schedule, or an adjustment for parenting time.

Presentations to the Council

The Council heard presentations from concerned parents, an expert in the child support field, and a collaboration between the Ohio Department of Rehabilitation and Correction (DRC), the Ohio Department of Job and Family Services (JFS), and the Ohio Child Support Enforcement Director's Association (OCDA). In addition to the presenters, speakers, and commentators, the Council relied on the input and feedback from current and former Council members and child support professionals.

The parents who spoke to the Council raised the issue that non-residential parents who are exercising court sanctioned parenting time ought to receive credit against their support obligation in some proportion to the cost associated with exercising parenting time.

Laura Morgan, a child support guidelines researcher and author, spoke to the Council regarding a variety of topics, including the many ways guidelines are implemented in other states

The Council was presented with recommendations made by the DRC/JFS/OCDA collaboration which deals specifically with incarcerated and formerly incarcerated individuals with child support obligations.

Summary

The Council reviewed each concern and considered, first, whether or not it fell within the scope of the Council's authority and second, the efficacy of the proposed change. The Council received similar public input and suggestions for change on the following issues:

- Parenting time adjustments

"I believe a serious review should be completed on shared custody and child support. Currently one is ordered to pay child support in addition to providing for the child the same amount of days per month (+/-) a day. In this case, it's typically the low income provider ordered to pay or the father automatically. Everything should be down the middle with fees and other medical related costs and if that fails, let the court handle the matter...." ~ Comment received by the Council

The Council has recommended a parenting time adjustment based on the exercise of parenting time.

- How a parent's income is imputed;

"Imputing income should be considered either the obligee or obligor become underemployed as a result of quitting college with no apparent hardship. In many cases the parent doing such a thing takes a job making less money for no good reason and effectively limit the financial security for the kids and their future - potentially creating a burden for tax payers for years." ~ Comment received by the Council

The Council has recommended modifying section 3119.05 of the Revised Code which, among other things, is intended to specifically address when a court or CSEA should impute income for a person that is underemployed or unemployed.

- The update of the basic child support tables and the application of deviation factors;

"Focusing on deviations misses the larger point that the Basic Child Support Schedule is appallingly outdated. Until the Schedule is revised so the support obligation bears some resemblance to reality and the true cost of raising children in the current economic climate, "fine-tuning" the child support award to balance the equities is an exercise in futility. The legislature has sanctioned the use of USDA expenditures for purposes of setting cash medical support. It would be appropriate to now reject the Betson-Rothbarth methodology in favor of an approach using the more transparent USDA estimates, in the interest of fairness and consistency." ~ Comment received by the Council

The Council has recommended that the basic child support schedule be updated using USDA methodology and an updated basic child support schedule is included with this report. The Council has also recommended that ODJFS be given rule-making authority to update the table every four years using the USDA methodology.

The Council has recommended changes to the deviation factors for clarity and to make the process of applying deviations to child support orders less burdensome for families.

- The creation of a self-support reserve for low income obligors;

"For low-income obligors, the guidelines must take into account the obligors basic living expenses before setting the amount of the order. Children are not served well at all by obligors not being able to afford rent, food, gas, etc. The hardship of this becomes a part of the child's experience. Being unable to pay consistently can cause enforcement actions that exacerbate the problems for obligors who earn low hourly wages. Some lose jobs just because they have to go to court every month or so to answer why they can't pay." ~ Comment received by the Council

The Council has recommended a self-support reserve test to be applied when the child support obligor's gross income is at or below the federal poverty level for an individual or if the combined child and medical support obligations would cause the obligor to fall at or below the federal poverty level for an individual.

Appendix B: Deviation Study

Background

In accordance with chapter 3119.03 of the Ohio Revised Code, the amount of child support calculated pursuant to the basic child support schedule and worksheet is presumed to be the correct amount of child support due. If a court finds that the presumed amount would be unjust or inappropriate and would not be in the best interest of the child, the court may deviate from the basic child support schedule. A list of relevant deviation factors and criteria can be found in section 3119.23 of the Revised Code.

The deviation study is intended to be an analysis of the deviation factors to determine:

1. How frequently courts are using each of the deviation factors.
2. When a court does not use a deviation factor from 3119.23, what other factors does the court consider?
3. Which deviations require clarification?
4. Are there unused deviation criteria that should be removed?
5. Is there a need for additional deviation criteria?

The Council used the same methodology for this deviation study as was used by the two previous Councils. The Council developed a questionnaire which was distributed to nine different counties, all of which were asked to review and complete a questionnaire for each new and modified child support order over a specified period of time.

The study collected data in the following areas:

1. The percentage of court orders where a deviation had been granted.
2. The types and frequency of deviations granted.
3. Reasons for deviations not prescribed by statute.
4. Case-specific questions:
 - a. Was a guidelines worksheet attached to the order?
 - b. Was the mother or the father ordered to pay support?
 - c. What type of worksheet was used; Sole Residential and Shared Parenting or Split Parenting?

Methodology

The Council invited nine counties (three large, two medium, and four small) to participate in the deviation study. All nine counties that were asked to participate agreed to do so and they were: Franklin, Hamilton, and Lorain (large); Fairfield and Stark (medium) and; Defiance, Noble, Scioto, and Van Wert (small).

The Council developed a questionnaire to be completed by each participating child support enforcement agency (CSEA) for every new or modified child support order received by the CSEA between July 7 and August 1, 2008. The questionnaire consisted of eight sections: case type;

order type; custody; type of deviation; types of deviations granted; a description of deviations that did not fit into prescribed categories; the actual and adjusted support obligations; information specific to the completion of the order, and whether or not there was an upward or downward deviation.

Results

Summary

County	Questionnaires Received	Administrative Orders	Court Orders	Court Orders With Deviation	Percentage of Court Orders With Deviation
Defiance	21	0	21	6	29%
Fairfield	15	1	14	1	7%
Franklin	59	0	59	33	56%
Hamilton	300	101	199	13	7%
Lorain	206	49	157	18	11%
Noble	5	2	3	1	33%
Scioto	24	11	13	3	23%
Stark	150	55	95	12	13%
Van Wert	27	0	27	6	22%
TOTAL	807	219	588	93	16%

Case Profile

Case Type	Total	Percentage of Total Orders
Domestic Relations Court	314	39%
Juvenile Court	270	33%
Administrative (CSEA)	216	27%
Other	7	1%

Order Type

New	269	33%
Modification	251	31%
Can't Tell	51	6%
No Response	236	29%

Custody

Sole	277	34%
Shared	127	16%
Split	12	1%
Can't Tell	161	20%
No Response	230	29%

Types of Deviations

	Total	Percentage of Total Deviations
a. Special or unusual needs of children	1	1%
b. Extraordinary obligations for minor children	3	3%
c. Other court-ordered payments	2	2%
d. Extended parenting time or costs associated with parenting time	36	39%
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	3%
h. Benefits that either parent receives from remarriage or sharing living expenses with another person	1	1%
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	3	3%
k. Relative financial, resources, other assets and resources and needs of each parent	13	14%
l. Standard of living and circumstances of each parent and the standard of living 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	1	1%
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 factor	7	8%
	Can't tell	1	1%

Other Court Ordered Deviations

	Total	Percentage of Total Deviations
Agreement between the parties	4	4%
Best interest of the child	3	3%
Custodial parent able to provide for sole support of the child	3	3%
Equal parenting time	5	5%
Minimum child support order	4	4%
No visitation by non-custodial parent	1	1%
Only one month before emancipation	1	1%
Relatively equal and shared responsibilities	1	1%

Deviation Information

Was a Guideline Worksheet attached to the order?

	Total	Percentage of Orders
Yes	68	73%
No	21	23%
No Response	4	4%

Who was ordered to pay support?

	Total	Percentage of Orders
Mother	21	23%
Father	57	61%
No Response	15	16%

Type of worksheet used to calculate the order?

	Total	Percentage of Orders
Sole Residential Parent and Shared Parenting Worksheet	70	75%
Split Parenting Worksheet	1	1%
No Response	22	24%

Does deviation increase or decrease the child support obligation?

	Total	Percentage of Orders
Increase	11	12%
Decrease	76	82%
Can't Tell	6	6%

Summary

The results of the deviation study were consistent with the results of the study conducted by the previous Council. The Council has recommended changes to the deviation factors for clarity and to make the process of applying deviations to child support orders less burdensome for families. The recommendation to revise the deviation factors begins on page .

Appendix C: Economic Study

Economic Study: Economic Basis of Proposed Ohio Child Support Schedule

(Appendix C of Council's Report)

Submitted to:

Ohio Department of Job and Family Services

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Points of view expressed in this document are those of the author and do not necessarily represent the official position of the Child Support Guidelines Advisory Council or the Ohio Department of Job and Family Services.

Section 1: Introduction

Child support contributes to the financial well-being of many Ohio children. In 2007, the Census reported that there are 2,754,928 children living in Ohio and 772,034 of those children live with only one parent.¹ This amounts to 28 percent of Ohio children living with only one parent. Most of these children are eligible for child support. An unknown number of Ohio children living in other situations are also eligible for child support. One of their parents may have remarried and the child now lives with a step-parent or with foster parents or in other situations without both of their parents. The Ohio Department of Job and Family Services (ODJFS) collects over \$1.7 billion in child support annually for many of these children. An unknown amount of additional support is paid to Ohio families that are not part of cases monitored and enforced by ODJFS.

Courts and administrative officials set child support orders using the Ohio child support guidelines that are in State statute.² Federal and State laws require a review of the guidelines at least once every four years.³ The State charges ODJFS with conducting the review and convening a "Child Support Guidelines Council." State statute specifies the make-up of the Council (e.g., judges, parents) that essentially is representative of diverse stakeholders. The review is to focus on the "basic child support schedule" and worksheets. This report only addresses the updating of the schedule.

The schedule forms the core of the guidelines. It is a lookup table with a range of combined incomes on one axis and number of children on the other axis. The basic obligations reflect economic data on the costs of raising children. The obligated parent's pro rata share of the combined basic obligation forms the basis of the award amount. To determine the final obligation amount, the guidelines provide for additional adjustments such as the child's health insurance premium, child care expenses, and other factors.

The existing Ohio schedule is based on economic data available in 1992. Since then, there have been several quadrennial reviews and each resulted in a recommendation to update the schedule; but for various reasons, the schedule has not been updated. As a consequence, the gap between the Ohio schedule and the current costs of child rearing is growing, as well as the gap between Ohio and bordering states' guidelines.

Purpose of Report

This report develops and documents an updated Ohio child support schedule using the most current United States Department of Agriculture (USDA) study on child-rearing expenditures.⁴ The USDA estimates are discussed in more detail later in this report.

¹ U.S. Census American Comm. Survey (2007). Downloaded from <http://factfinder.census.gov> on March 10, 2009.

² ORC 3119.

³ 45 CFR 302.56 and ORC 3119.024

⁴ Mark Lino (2008), *Expenditures on Children by Families: 2007 Annual Report*, U.S. Department of Agriculture, Center for Nutrition and Policy Promotion. Miscellaneous Publication No. 1528-2007. Available at: <http://www.cnpp.usda.gov/ExpendituresonChildrenbyFamilies.htm>

Two versions of the updated schedule have been developed.

- Schedule A retains the assumption included in the existing schedule. It includes \$100 per year per child in “uninsured, ordinary medical expenses” and excludes the child’s health insurance premium and “uninsured, extraordinary medical expenses.”⁵
- Schedule B includes all of the parents’ out-of-pocket expenses for the child’s healthcare needs. It is intended to be used with a worksheet developed by the Council to simplify the medical support and health insurance requirements of the guidelines.

ODJFS contracted with the Center for Policy Research (CPR) to prepare the updated schedules. This report documents the data and assumptions underlying the schedules and compares the updated schedule to the existing schedule. The report is divided into four sections.

- Section 1: Introduction
- Section 2: Background information
- Section 3: Data and steps used to develop updated schedules A and B
- Section 4: Comparison of updated schedules A and B to the existing schedule

Section 2: Background

A comparison of the existing Ohio guidelines to those of neighboring states is first provided as background information. More importantly, three factors that are key to understanding the data and steps used to develop the updated schedules are also presented as background information.

- Ohio bases its child support guidelines on the “Income Shares guidelines model.” This is the guidelines model used by most states. The proposed schedules are designed for use with Income Shares.
- Not all economists arrive at the same estimate of child-rearing expenditures. The existing Ohio schedule is based on an estimate known to understate actual child-rearing expenditures. The 2005 Council recommended that the updated schedule be updated using the USDA estimates. The updated schedules prepared in this report are based on the most recent USDA estimates.
- New federal regulations expand medical support requirements. This affects the medical support provisions in state child support guidelines.

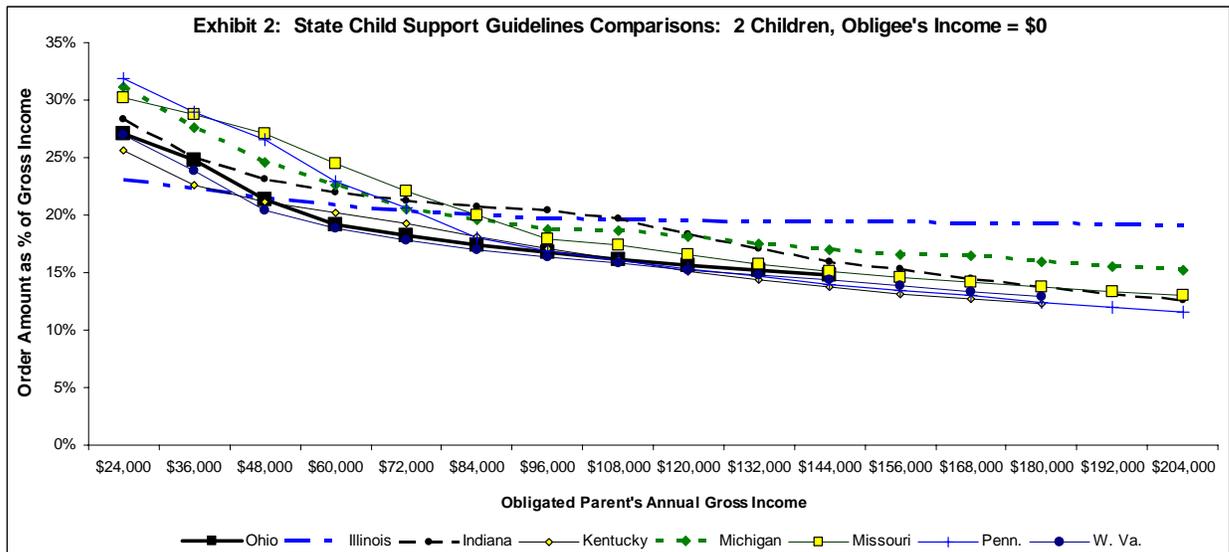
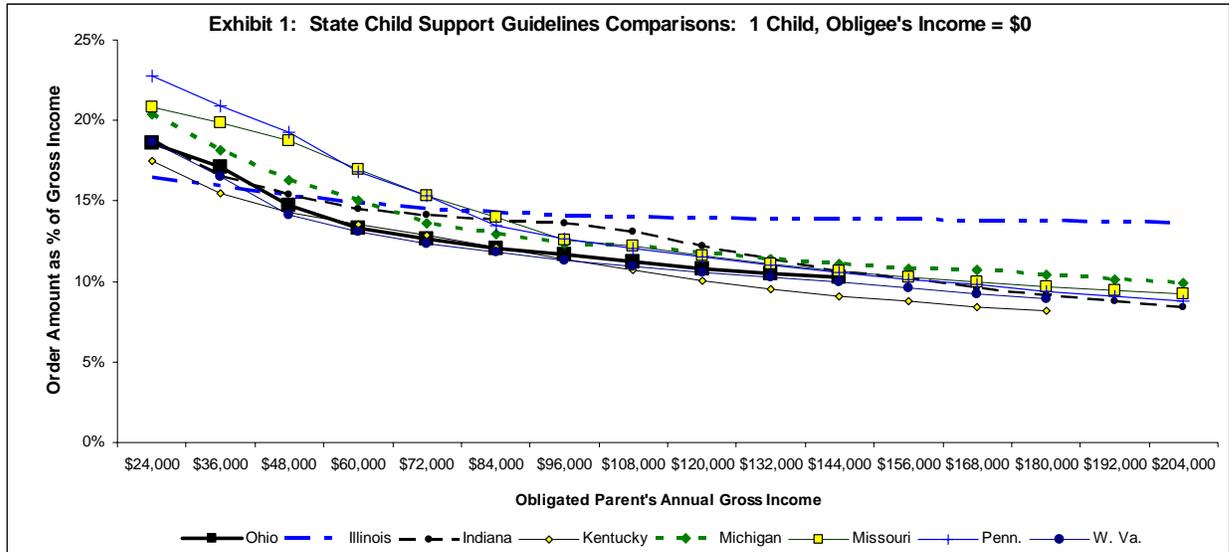
Comparisons to Bordering States

Exhibits 1 and 2 illustrate that Ohio’s current guidelines are generally low when compared to nearby states. The exhibits also illustrate another problem with Ohio’s current guidelines: it does not cover gross incomes above \$150,000 per year while other states do.

Exhibits 1 and 2 examine order amounts for one and two children, respectively. Although Ohio specific data are not available, these are the most common number of children in child support cases. Nationally, 61 percent of child support orders cover one child, 29 percent cover two

⁵ The \$100 is intended to cover doctor well-visits, over-the-counter medicines and other uninsured medical expenses that typically occur. When the Ohio schedule was developed, \$100 per child represented average out-of-pocket medical expenses for the child. By deduction, extraordinary, uninsured medical expenses are those above \$100 per child per year. Any extraordinary, uninsured medical expenses (e.g., orthodontia) are addressed under ORC 3119.05(G).

children, and 10 percent cover three or more children.⁶ Both exhibits compare scenarios for a range of gross incomes for the obligated parent and assume that the custodial parent has no income. If the custodial parent had income, the child support order would be less under all of the state guidelines considered in the exhibits except for Illinois because the amount of the custodial parent's income has no bearing on the order amount under the Illinois guidelines. The case examples do not factor in guidelines adjustments for the child's health insurance, child care expenses, shared-parenting time and other factors that affect the final child support order. The child support order amounts in the exhibits are expressed as a percent of gross income. Gross income is converted to net income using prevailing Federal and state tax rates in states that base their guidelines on net income



⁶ Grall, Timothy (2007) *Custodial Mother and Fathers and Their Child Support: 2005*, Current Population Survey P60-234, U.S. Census, Washington, D.C.

There are several observations that can be made from the state comparisons in Exhibits 1 and 2.

- The order amount as a percent of gross income decreases as gross income increases in all of the states. (To be clear, the percent decreases as income increases, but the dollar amount of support increases.) This is consistent with patterns of child-rearing expenditures observed from data collected from families. In part, the progressive federal tax structure that assigns a higher tax rate to higher incomes explains why the percent of expenditures decreases when income increases.
- Ohio's guidelines generally produce amounts in the middle range of other states when the obligated parent's income is \$24,000 to \$36,000 per year.
- Ohio's guidelines produce amounts similar to Kentucky and West Virginia, two very low-income states, when the obligated parent's gross income is more than \$36,000 per year. Kentucky and West Virginia rank 47th and 50th in state median family income, respectively. Ohio ranks 32nd in state median income. Other neighboring states have incomes similar to or higher than Ohio. Their rankings in median family income are: Indiana ranks 33rd, Illinois ranks 16th, Pennsylvania ranks 23rd, Michigan ranks 25th, and Missouri ranks 36th.
- The Ohio guidelines stop at combined gross incomes of \$150,000 per year. When the Ohio schedule was developed in 1992, this was the highest income for which economic evidence on child-rearing expenditures was reliable. In contrast, most states stop their guidelines at \$180,000 to \$240,000 per year because they consider more recent economic data. Illinois, Indiana,⁷ and Michigan are exceptions because they apply their guidelines to an infinite amount of income.

Income Shares Model

Ohio is one of 38 states to base its guidelines on the Income Shares Model, which was developed through the 1984-87 National Child Support Guidelines Project.⁸ Administered by the federal Office of Child Support Enforcement at the request of Congress, the Project made specific recommendations for the development of state guidelines. Prior to the 1987 requirement, few states had statewide guidelines. Further, many early guidelines reflected welfare cash benefits rather than what middle and higher income families spend on child rearing.

The Income Shares model was designed to encompass the principles of state child support guidelines developed by the Guidelines Project's Advisory Panel. It also incorporates economic data on actual child-rearing expenditures. The Income Shares guidelines model is based on the premise that the child should be entitled to the same level of expenditures that the child would have received had the parents lived together and combined financial resources. The core of the Income Shares model is a measurement of how much a family spends on child rearing on average. In turn, the amount is often adjusted in a guidelines worksheet for different situations such as parenting-time arrangements, children from other relationships, and other factors.

The premise of the Income Shares model applies to children of previously married parents as well as never-married parents. Children should not be forced to live in poverty because of their parents'

⁷ The committee reviewing the Indiana guidelines recently recommended increasing the amounts at high incomes. Approval of that recommendation is currently pending.

⁸ National Center for State Courts (1987). *Development of Guidelines for Child Support Orders, Final Report*. Report to U.S. Department of Health and Human Services, Office of Child Support Enforcement, Williamsburg,

Virginia. All of the states compared in Exhibits 1 and 2 are also based on the Income Shares model except Illinois.

decisions to separate, divorce or remain unmarried. Children of disrupted families, regardless of the reason for the disruption, should be afforded the same financial opportunities as children of intact families with similar incomes.

Another major premise of the Income Shares model is that both parents are financially responsible for their children. To this end, the average amount expended on children is prorated between the parents. The obligated parent's share becomes the basis of the child support award. There may be other adjustments for physical custody or other factors.

Estimates of Child-Rearing Expenditures

Most states base their guidelines formula/schedule on economic studies on the costs of raising children. There are several different studies. Most of the studies measure average child-rearing expenditures.⁹ The measurements are typically estimated from data collected for the Consumer Expenditure Survey (CES), the nation's largest and most comprehensive survey of household expenditures.¹⁰ It surveys several thousands of families annually and contains detailed expenditure data for over one hundred items.

Not all economists arrive at the same estimate of child-rearing expenditures. Moreover, economists do not agree on which estimate best reflects actual child-rearing expenditures. Part of the problem is that there is no perfect methodology for separating the children's share of family expenditures from the parents' share. To illustrate this, consider family expenses for electricity used in the home. The children's share of electricity is not obviously separable from the parents' share by examining the electricity bill.

Major Economic Study Used in the 1980s

When states were first adopting statewide guidelines in the late 1980s, most states (including Ohio) relied on estimates developed by Dr. Thomas Espenshade¹¹ using the "Engel" methodology.¹² Some of the major limitations to the Espenshade estimates follow: they are estimated from old CES data (1972-73); and, Espenshade did not estimate child-rearing expenditures for a range of incomes. Instead, Espenshade estimated child-rearing expenditures for families by socioeconomic class, so a proxy was needed to convert his estimates to a child support schedule. The use of proxy exacerbates any bias that exists in the Espenshade estimates.

⁹ An alternative measurement may be the "costs" of child rearing. Cost studies often measure or reflect the costs of the child's basic needs, such as the federal poverty level. However, measurements of child-rearing expenditures that range in family size and income are more helpful for forming state guidelines since most states premise their guidelines on the precept that child support should not be limited to amounts that cover the child's basic needs; rather, the child should share in the standard of living that can be afforded by the parent(s).

¹⁰ The CES is conducted by the Bureau of Labor Statistics (BLS). More information about the CES can be found at the BLS website: <http://www.bls.gov/cex/>

¹¹ Espenshade, Thomas J. (1984). *Investing in Children: New Estimates of Parental Expenditures*. Urban Institute Press: Washington, D.C.

¹² The "Engel estimator" is a marginal cost approach, which compares expenditures between two equally well-off families: (a) married couples with children, and (b) married couples of child-rearing age without children. The difference in expenditures between these two families is deemed to be child-rearing expenditures. Named after the economist, Ernst Engel, the Engel estimator uses food shares to determine equally well-off families.

Major Economic Studies Used in the 1990s-2000s

States (including Ohio) that updated their guidelines in the 1990s often relied on estimates developed by Professor David Betson, University of Notre Dame, using the “Rothbarth” estimator.¹³ Dr. Betson actually conducted three studies of child-rearing expenditures: the first was in 1990 using data collected in 1980-86;¹⁴ the second was in 2001 using data collected in 1996-1999;¹⁵ and the third was in 2006 using data collected in 1997-2004.¹⁶ Ohio bases its schedule on Betson’s first study. Betson conducted his first study for the U.S. Department of Human Services to fulfill a Congressional request whose purpose was to produce information for states to develop and update their child support guidelines. Betson actually used five different methodologies (including the Engel and Rothbarth estimators) and recommended that states use the Rothbarth estimator because it produced the most robust and plausible results. He rejected his Engel estimates because they approached implausible levels. They implied that a child’s living expenses are the same as an adult’s living expenses, while most economists believe that a child’s living expenses are less. Another criticism of the Rothbarth estimator is that it understates actual child-rearing expenditures.¹⁷ A recommended solution is to increase the Rothbarth estimate for state guidelines use.¹⁸ Georgia essentially did this when it adopted a schedule based on the average of the Engel and Rothbarth estimators.

Current State Usage and the USDA Estimates

Today, most states guidelines are based on the Engel or Rothbarth estimates (about eight states rely on the Engel estimates and about 26 states rely on the Rothbarth estimates).¹⁹ In 2006, Minnesota promulgated the first state guidelines to rely on the USDA estimates of child-rearing expenditures. Some policymakers prefer the USDA estimates because its methodology does not have the problems inherent to a marginal-cost methodology, which is the underlying methodology of both the Engel and Rothbarth estimates. The marginal cost approach involves comparing expenditures in two types of equally well-off families (one with children and the other without children) and deeming the difference in their expenditures to be child-rearing expenditures. The primary problems with the marginal cost approach are that child-rearing expenditures cannot be

¹³ The “Rothbarth estimator” like the Engel estimator is a marginal cost approach. It uses expenditures on adults good to determine equally well-off families. Some economists define adult goods as expenditures on adult clothing, alcohol, and tobacco; whereas, Betson limits it to adult clothing because some state policymakers take issue with any mention of tobacco. Nonetheless, Betson (1990) found no statistical difference between the estimate based on all three items and the estimate limited to adult clothing.

¹⁴ David M. Betson (1990), *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)

¹⁵ David M. Betson, (2001) “Chapter 5: Parental Expenditures on Children,” in Judicial Council of California, *Review of Statewide Uniform Child Support Guidelines*, San Francisco, California (2001). Available at URL: <http://www.courtinfo.ca.gov/programs/cfcc/1058files2001/CH5.PDF>

¹⁶ David M. Betson (2008). “Appendix I: New Estimates of Child-Rearing Costs in PSI, *State of Oregon Child Support Guidelines Review: Updated Obligation Scales and Other Considerations*, Report to State of Oregon, PSI, Denver Colorado. Available at: http://www.dcs.state.or.us/oregon_admin_rules/psi_guidelines_review_2007.pdf

¹⁷ Lewin/ICF (1990). *Estimates of Expenditures on Children and Child Support Guidelines*. Report to Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. Fairfax, Virginia.

¹⁸ Barnow, Burt S. (1994). “The Economic Studies of Expenditures on Children and Their Relationship to Child Support Guidelines,” *Child Support Guidelines: The Next Generation*, U.S. Department of Health and Human Services, Administrative for Children and Families, Office of Child Support Enforcement, Washington, D.C.

¹⁹ Another five states rely on a study that predates Espenshade’s study. The economic data underlying the remaining state guidelines is unknown or a combination of several factors.

examined by each expenditure category (e.g., housing, food, transportation); and, any proxy for equally well-off families (whether it be food shares as used by the Engel estimator or expenditures on adult goods used by the Rothbarth estimator) contains some bias.

The USDA Estimates

The USDA also relies on the CES as its data source. It currently uses the 1990-92 CES as a baseline measurement, but annually updates those measurements to current prices. The baseline is child-rearing expenditures for one child in a two-child, two-parent household.²⁰ The USDA has also estimated equivalence scales to determine how those expenditures vary among families with only one child and families with three or more children. These equivalence scales essentially recognize that the cost of the second child is less than the cost of the first child and the cost of the third child is less than the second child. In all, the USDA approach can be described as a quasi-accounting method that first measures the amount expended for each major expenditures category of (e.g., housing, food), then sums those amounts to arrive at a total cost of child-rearing expenditures.

USDA Expenditure Categories

The USDA expenditure categories consist of housing, food, transportation, clothing, healthcare, child care and education (combined), and miscellaneous. Some of these categories are only consumed by children (i.e., children clothing, child care and education), so the USDA directly measures these amounts from the CES. The USDA uses its food plans, which show share of food expenditures for each family member by age and household income level. The food plans are used to determine the child's share of the family's total food expenditures as measured by the CES. The child's share of the family's total out-of-pocket healthcare expenditures is determined from a study that uses the National Medical Expenditures Survey conducted by the U.S. Department of Health and Human Services. This study identified the child's share of total family healthcare expenses to be 20 to 22 percent depending on the age of the child. The child's share of the family's miscellaneous and housing expenses is allocated using a per capita approach. For example, if housing expenditures are \$10,000 per year, a child's share in a four-person family is \$2,500. The child's share of CES transportation expenses is determined through two steps. First, employment-related transportation expenses are excluded; specifically, 40 percent are excluded based on a finding that employment-related transportation expenses account for 40 percent of total household transportation expenditures. The remaining transportation expenditures are allocated to the child using a per capita approach.

Limitations of the USDA Estimates

Some economists and studies²¹ suggest that the USDA estimates overstate actual child-rearing expenditures because of the per capita approach for some expenditure categories; namely, housing. Because housing expenditures comprise the largest share of family budgets (about 30 to 40%) this can cause a large upward bias. Some of these critics believe that a child's housing expenditures should be less than that of an adult. These criticisms caused Minnesota to adjust the USDA housing expenditures for the child when developing its schedule. The USDA defends its approach by demonstrating that there is no research basis for an alternative approach; however,

²⁰ The USDA also estimates child-rearing expenditures in one-parent families. They result in amounts very similar to expenditures in two-parent families.

²¹ See Lewin/ICF (1990) for an example.

the USDA is currently exploring whether there is a better method to determine the child's share of total housing expenditures.

The Council's Recommendation to Use the USDA Estimates

The 2005 Council formed a subcommittee to extensively review studies of child-rearing expenditures. They recommended the USDA estimates over other estimates for various reasons including those discussed above. Similar to Minnesota, the 2005 Council agreed that a downward adjustment to USDA's housing expenditures for the child was appropriate. The 2009 Council agrees with the 2005 Council's recommendation.

Medical Support

In July 2008, the federal requirements for medical support in state child support guidelines were broadened.²² Guidelines must now address how the parents will provide for the children's health care needs through health insurance coverage and/or cash medical support (45 CFR §302.56). In addition, the federal Office of Child Support Enforcement (OCSE) plans to add a medical support performance measure to its current state performance incentive system. One measurement under consideration is the percent of cases with medical support ordered and provided.

Prior to this change, state guidelines were required to provide for the "children's health care needs through health insurance coverage or other means." It was generally presumed that the children would have health insurance through the noncustodial parent's employer. Several current trends counter that presumption. Fewer employers now provide health benefits and, when provided, premiums have escalated to levels not always affordable. In some incidences, the custodial parent or another source may offer better coverage for the child. For example, the custodial parent's employer-sponsored insurance may be better because it serves the same geographical area that the child lives. Further, some states have found that collecting cash medical support in Medicaid cases can help offset Medicaid expenditures. Cash medical support means an amount ordered to be paid toward the cost of health insurance provided by a public entity, such as Medicaid, or by another parent through employment or otherwise, or for other medical costs not covered by insurance.²³

Ohio is ahead of most states in meeting the federal requirements and positioning itself to be a top state in medical support performance. In 2006, Ohio adopted guideline changes that fulfill the new federal requirement. Those changes involved defining reasonable cost of health insurance for the child, defining and providing for cash medical support, and other changes pertaining to medical support. The provision of three order amounts—one for the monthly child support obligation when health insurance is provided; another for when health insurance is not provided; and cash medical support (which is also effective when health insurance is not provided)—in all administrative orders will help ensure that Ohio children in child support cases have adequate healthcare coverage. This provision helps prevent gaps in medical support when a parent loses his/her health insurance due to a job loss or another circumstance. If this occurs, the amount the noncustodial parent owed would change to the guidelines amount based on no insurance coverage and cash medical support. In contrast, many states require an order modification when the noncustodial parent loses his/her insurance, even though no other circumstances change. The order

²²*Federal Register*, vol. 73, No. 140 (July 21, 2008, pages 42416-42442).

²³ C.F.R §303.31(a)(1)

modification can be lengthy and costly process to the Courts, child support agency, parents, and children.

Despite Ohio being a state leader in medical support, ODJFS and the Council continually seek to improve and simplify the medical support provisions in the guidelines while not losing its current strengths. This desire is the impetus for the second schedule that includes all of the child's healthcare expenses. The Council has also drafted a simplified worksheet to be used with this schedule. It will still produce the three order amounts (current support with and without health insurance and cash medical support) that the current worksheet provides.

Section 3: Data and Steps Underlying Updated Schedules

Data

The data used to develop the updated schedules come from five sources.

- Lino, Mark (2008), *Expenditures on Children by Families: 2007 Annual Report*, U.S. Department of Agriculture, Center for Nutrition and Policy Promotion. Misc.. Publication No.1528-2007. Available at: <http://www.cnpp.usda.gov/ExpendituresonChildrenbyFamilies.htm>
- U.S. Bureau of Labor Statistics (2009). *Consumer Price Index*. Available at: www.bls.gov/cpi/home.html
- U.S. Department of Health and Human Services (2009) "Federal Poverty Guidelines," *Federal Register* Vol.. 74, No. 14, Jan/ 23, pp. 4199-4201. Available at: <http://aspe.hhs.gov/poverty/09poverty.shtml>
- Citro, Constance F. and Robert T. Michael, Editors (1995). *Measuring Poverty: A New Approach*. National Academy Press. Washington, D.C.
- U.S. Bureau of Labor Statistics (2007). *Consumer Expenditure Survey*. Available at: <http://www.bls.gov/cex/>

The USDA study is the primary data source. Specifically, CPR uses Table 5 from the USDA study that contains estimates of child-rearing expenditures for the Midwest region. The consumer price index is used to update the USDA estimates to current price levels. The federal poverty level for one person is used as the bottom income of the schedule. The equivalence scale formula (Citro et al. 1996) is used to: expand the USDA estimates to four and more children; and, adjust the USDA housing expenses. An equivalence scale adjusts measurements (e.g., poverty level, cost of living) for one family size to a comparable amount for another family size. The equivalence scale formula was developed by the National Research Council (NRC), which comprises some of the nation's leading economists researching poverty, income and household consumption.

Steps

CPR took five steps to develop the schedules from Table 5 of the USDA report (child-rearing expenditures for the Midwest region).

Step 1: Update USDA estimates to current price levels. The most recent USDA study considers 2007 price levels. Table 5 amounts are updated to January 2009 price levels by comparing the average 2007 CPI-U for the Midwest region for each expenditures category. This is the same approach the USDA uses to update its estimates annually. To be clear, 2007 expenditures are not updated to the current level using the percentage change in the CPI-U for all

items (i.e., 1.4%); rather, 2007 expenditures are updated for each category considering the individual changes in the CPI-U for food (8.5%), housing (2.2%), and so forth since 2007.

Step 2: Adjust housing expenditures. As discussed earlier, some economists believe that the USDA overstates the child's share of housing expenses, so an adjustment is made to the USDA housing expenditures for children. The adjustment occurs in two sub-steps. First, the housing expenditures for the child are backed out to obtain the total housing expenditures incurred by the family. This is accomplished by multiplying the USDA housing amount by four (which is the total number of members in the two-parent, two-child family). Secondly, the child's share is determined by using the equivalence formula provided by the NRC. The formula suggests that the child's share of total housing expenditures in a two-parent, two-child household should be 15.531% instead of the per capita amount, which is 25.0%.

Step 3: Determine average child-rearing expenditures for ages 0-17 years. USDA provides its estimates by the child's age. The existing Ohio schedule considers average total child-rearing expenditures for ages 0 through 17 years. An average across all age brackets is calculated for the sum of USDA food, transportation, clothing and miscellaneous expenditures as well as education expenses for children above 12 years old and then the adjusted housing expenditures (from Step 2). For schedule B, health care expenditures are also added.

Step 4: Adjust for the Number of Children. The USDA shows the amount expended on one child in a two-child, two-parent household. That amount is adjusted by the equivalence scales in footnote of Table 5 (USDA 2008) to derive schedule amounts for one child and three children. The NRC formula is used to derive schedule amounts for four and more children. In effect, the amounts from Step 3 are multiplied by the following percentages to obtain schedule amounts that vary with the number of children: 1.240% for one child; 2.000% for two children; 2.310% for three children; 2.580% for four children; 2.838% for five children; and 3.085% for six children. For schedule A, an additional \$100 per child per year is added to cover ordinary, out-of-pocket healthcare expenses.

Step 5: Expand to a Range of Incomes. The USDA provides estimates for three income ranges while the current Ohio schedule covers combined gross incomes between \$6,600 and \$150,000 per year in \$600 income intervals. To make the conversion, a schedule of percentages similar to a tax table is developed from the USDA estimates. (Exhibit 3 contains the schedule of percentages.)

The schedule of percentages can be applied to all incomes; then, converted to a schedule. There are four sub-steps.

- The average income, as listed in Table 5, for each of the three income intervals is updated to current price levels using the January 2009 Midwest Region CPI-U for all items. This is the same step the USDA takes for its annual update. For example, average income for the first income bracket in Table 5 is \$28,200 per year. It becomes \$28,583 per year once updated to the current price level.
- The percent of income devoted to child-rearing expenditures is calculated for each income midpoint and number of children. To illustrate this consider that according to Step 4, a family whose income is in the lowest USDA income bracket spends \$6771.73 per year for a child. When this amount is divided by \$28,583 it yields 23.691%; that is, this family devotes 23.691% of its gross income to the child.

- Marginal percentages are computed. This is done through two interpolations: (i) between the average incomes for the first and second income brackets; and, (ii) between the second and third income bracket. For incomes below the average of the first bracket, the midpoint percentage is used (e.g., 23.691% is applied to incomes below \$28,583 for one child). For incomes above the average of the highest income bracket, the marginal percentage is the marginal percentage between the second and third income bracket (the second interpolation) plus the difference between the marginal percentages from interpolations (i) and (ii). For example, the marginal percentages for (i) and (ii) are 7.917% and 7.944%, respectively. So, the marginal percentage for the last income bracket is 7.944% + (7.944% - 7.917%), which sums to 7.972%.
- The above produces a table of percentages (similar to a tax table) that can be used to calculate a basic obligation for any combined gross income between \$10,830 and \$176,060 per year. The lowest amount is the 2009 federal poverty guidelines for one person, which is the threshold for applying the minimum order. The endpoint of the highest income bracket was determined by assuming the average of the highest income bracket is also the midpoint of that bracket.²⁴ However, the Council requested that the schedules be extended up to \$250,000 per year; so, instead of stopping the schedule at \$176,060, the percentages shown in Exhibit 3 were applied through combined gross incomes of \$250,200 per year. It stops at \$250,200 rather than \$250,000 because it is divisible by \$600 and the schedule increases by \$600 increments.

Exhibit 3						
Table of Percentages						
Schedule A						
Income Midpoint	1 Child		2 Children		3 Children	
	Midpoint	Marginal	Midpoint	Marginal	Midpoint	Marginal
\$28,583.17	23.69130%	7.91657%	38.34721%	12.76865%	44.53242%	14.74780%
\$60,815.25	15.33069%	7.94410%	24.79057%	12.81307%	28.74657%	14.79909%
\$115,244.90	11.84204%	7.97164%	19.13365%	12.85748%	22.15924%	14.85039%
Schedule B						
Income Midpoint	1 Child		2 Children		3 Children	
	Midpoint	Marginal	Midpoint	Marginal	Midpoint	Marginal
\$28,583.17	26.17553%	8.76101%	42.21859%	14.13067%	48.76248%	16.32092%
\$60,815.25	16.94584%	8.28145%	27.33199%	13.35717%	31.56845%	15.42754%
\$115,244.90	12.85368%	7.80188%	20.73175%	12.58368%	23.94517%	14.53415%

To illustrate how the percentages in Exhibit 3 are used to develop a schedule, the Schedule A amount for one child at a combined gross income of \$60,000 per year is calculated. For the first \$28,583, the percent of gross income applied to child-rearing expenditures is 23.69130%, which is \$6,772 (\$28,583 multiplied by 0.2369130). This is added to the marginal percentage (7.91657%) multiplied by the difference between \$60,000 and the midpoint of first income bracket, \$28,583 (the

²⁴ In other words, the average incomes from the second and third income brackets are added together to find the end schedule amount.

difference is \$31,417). In other words, what is added is \$2,487 (\$31,417 multiplied by 0.0791657%). The sum is \$9,259, which is the basic obligation for one child in Schedule A.

Major Assumptions

- The schedules reflect child-rearing expenditures for the Midwest region in 2009.
- The schedules reflect average child-rearing expenditures for ages 0-17 years old.
- The schedules do not consider the noncustodial parent's direct expenditures on the child when exercising the parenting time order. (This is adjusted for in the proposed worksheet.)
- The schedule does not include child care expenses.
- Schedule A includes \$100 per child per year to cover ordinary, uninsured healthcare expenses (e.g., over-the-counter medicines, doctor well visits).
- Schedule B includes all of the child's healthcare expenses as measured by the USDA.

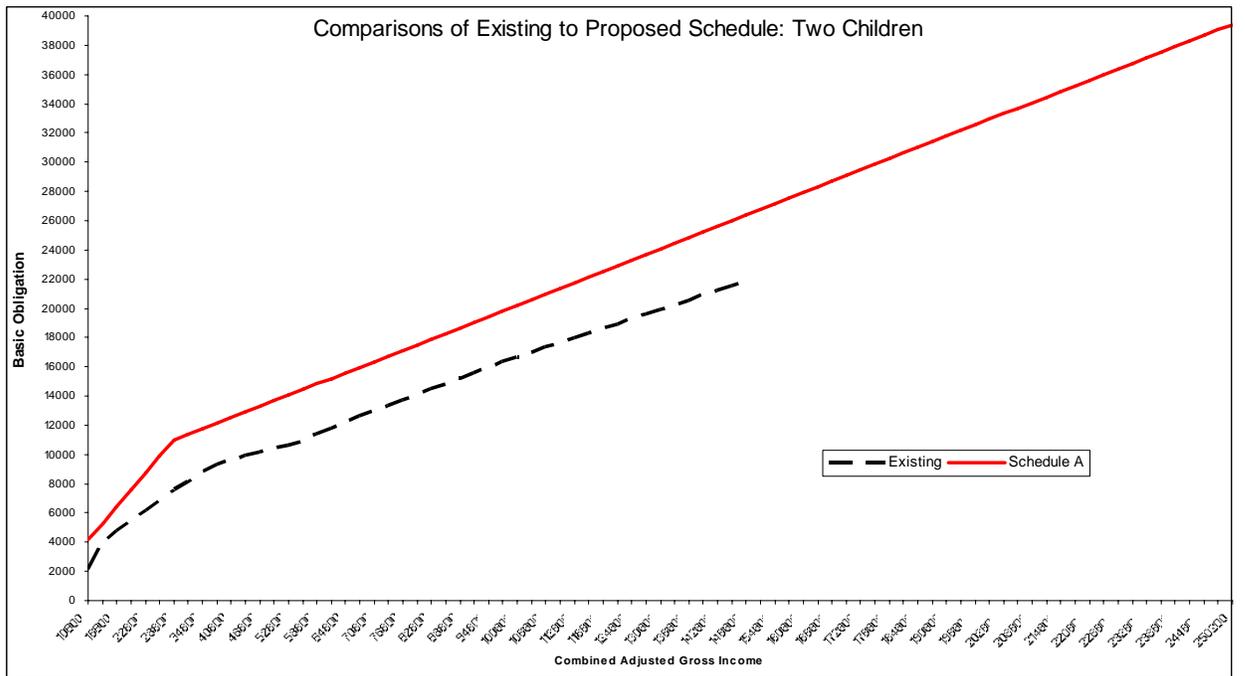
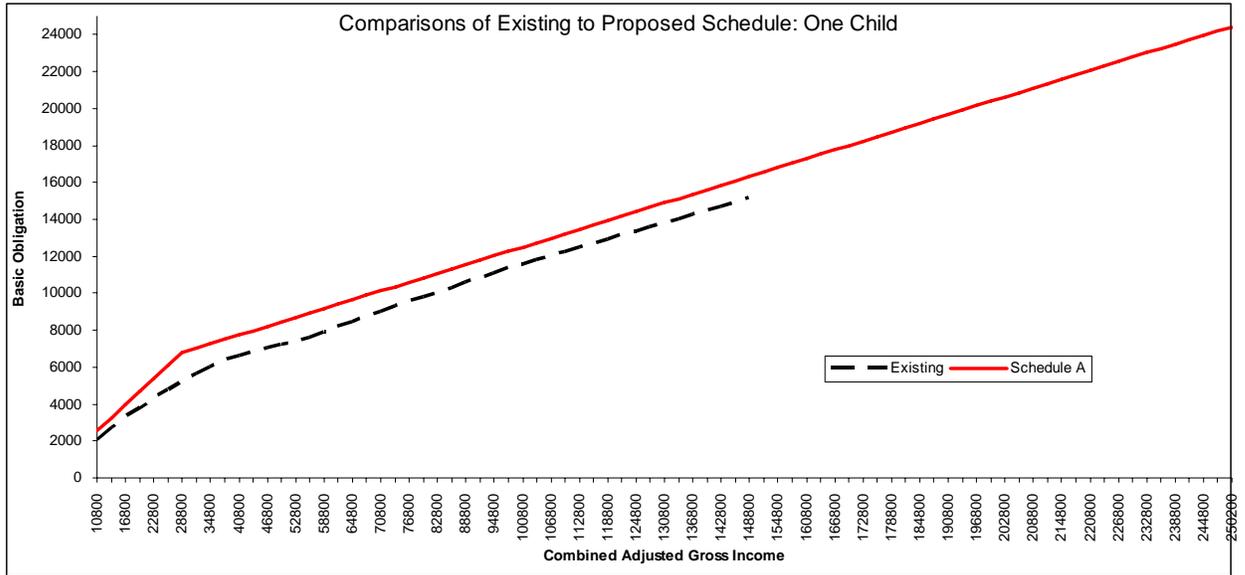
Section 4: Comparisons

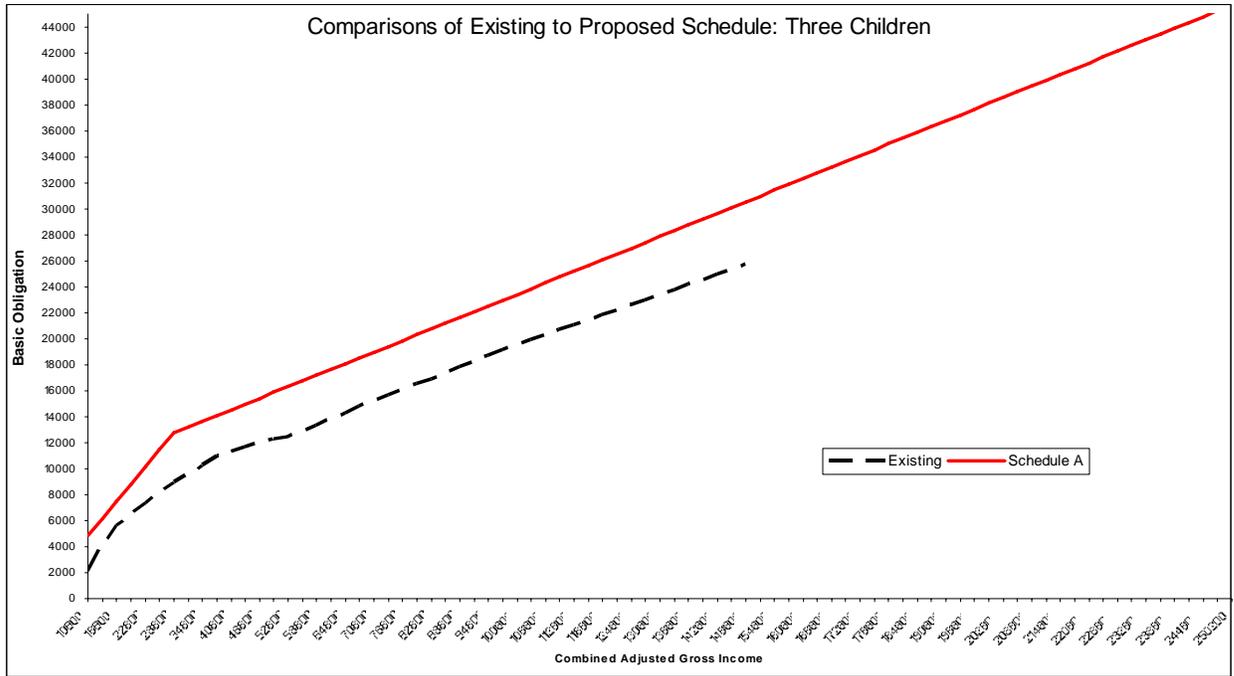
The amounts of the existing schedule and proposed Schedule A are compared in the three graphs at the end of this report. There are several observations from the graphs.

- The average schedule increase is: 13% percent for one child; 27% for two children; 25% for three children; 27% for four children; 28% for five children; and 30% for six children.
 - The actual order increase will be less once the noncustodial parent's pro rata share is determined and the proposed adjustment for the parenting time order is applied.
 - Most of the increase is attributable to changes in price levels since the schedule was last revised. Prices have increased by about 50% since 1992. Because income generally has increased too, the schedule increase is less than 50%.
 - Price changes explain almost all of the increase for one child and about three-quarters of the increase for two and more children.
- The comparisons start at combined gross incomes of \$10,800 per year, which approximates the 2009 poverty level for one person (\$10,830 per year). Minimum order amounts will be applied to noncustodial parents whose incomes are below \$10,800 per year.
- Using the USDA estimates updated to 2009 price levels allows the schedule to stop at a higher income. The existing schedule stops at a combined gross income of \$150,000 per year. The updated schedules stop at a combined gross income of \$250,200 per year.
- There is a turning point on the graphs at combined gross income of \$28,800 per year. This is the midpoint of the lowest USDA income range. Below this income, a constant percentage of income is applied to arrive at the schedule amounts. Above this income, the percent of income devoted to child-rearing expenditures decreases as income increases. This is because families devote less of their income to child-rearing expenditures as their income increases. One reason for this are progressive tax rates that collect more taxes as a family income increases, which leaves a smaller share of income for child-rearing expenditures.

The differences between the existing schedule and schedule B amounts are larger than the differences described above. The amounts in schedule B are more than schedule A because

schedule B includes all out-of-pocket healthcare expenses for child. In contrast, schedule A only includes \$100 per child per year for out-of-pocket health care expenses.





Appendix D: Voting Record

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

Member	Votes										
	1	2	3	4	5	6	7	8	9	10	11
Fleischman, David	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Hamilton, Rod	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Harwood, Sandra <i>*Elaine Hagen- Alternate</i>	Y	Y		Y	Y	Y	Y	Y	Y	Y	N
Hilton, Lakeisha <i>Geig, Elisa - Alternate</i>	Y	Y	X	Y	Y		Y	Y	Y	Y	N
Hughes, Jim	X	X	X	X	X	X	X	X	X	X	X
James, Jim <i>*Nist, David- Alternate</i>	Y	X		Y	Y	Y	Y	Y	Y	Y	X
Killpack, Steve	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Kline, Debbie <i>Carlson-Riehm, Phyllis - Alternate</i>	X	X	X	X	X	X	X	X	X	X	X
Lampkin Crafter, Odella	Y	Y	Y	X	X	Y	Y	Y	Y	Y	N
Newsom-Bridges, Kim	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Padgett, Joy	X	X	X	X	X	X	X	X	X	X	X
Pekar, Pat <i>*Roehrenbeck, Amy- Alternate</i>	Y	Y		Y	Y	Y	Y	Y	Y	Y	N
Smalz, Mike <i>*Malone, Kelly- Alternate</i>	Y	Y	Y		Y	Y		Y	Y	Y	N
Smith, Shirley <i>*Stockhausen, Edward - Alternate</i>	X	X	X		Y	Y	Y	Y	Y	Y	N
Snyder, Ann <i>*Sarah Fields - Alternate</i>	X	Y		X	X	X	X	X	X	X	X
Spada, Robert	X	X	X	X	X	X	X	X	X	X	X
Brown, Carri	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Taggart, Tom	Y	X	X	X	X	Y	Y	Y	Y	N	Y
Cade, Dan	X	X	X	Y	Y	Y	Y	Y	Y	Y	N
Wagner, Jeff	X	X	X	X	X	X	X	X	X	X	X

Voting Record (continued)

Member	Votes											
	12	13	14	15	16	17	18					
Fleischman, David	Y	Y	Y	Y	Y	Y	Y					
Hamilton, Rod	Y	Y	Y	Y	Y	Y	Y					
Harwood, Sandra <i>*Hagen, Elaine - Alternate</i>	Y	Y	Y	Y	Y	X	X					
Hilton, Lakeisha <i>Rammon, Trudy - Alternate</i>	Y	Y	Y	Y	X	X		A				
Hughes, Jim	X	X	X	X	X	X	X					
James, Jim <i>*Nist, David- Alternate</i>	Y	Y	Y	N			A	Y				
Killpack, Steve	Y	Y	Y	Y	Y	Y	Y					
Kline, Debbie <i>Carlson-Riehm, Phyllis - Alternate</i>	X	X	X	X	X			Y	Y			
Lampkin Crafter, Odella <i>Mike Smalz - Alternate</i>	Y	Y	A	A		Y	X	N				
Newsom-Bridges, Kim <i>*Roehrenbeck, Amy- Alternate</i>	Y	Y	Y	Y		Y	Y	Y				
Padgett, Joy	X	X	X	X	X	X	X					
Pekar, Pat <i>*Roehrenbeck, Amy- Alternate</i>	Y	Y	Y	Y	Y	Y	Y					
Smalz, Mike	Y	Y	Y	A	Y	Y	Y					
Smith, Shirley <i>*Stockhausen, Edward - Alternate</i>	Y	Y	Y	Y	Y	Y	Y					
Snyder, Ann	X	X	X	X	X	X	X					
Spada, Robert	X	X	X	X	X	X	X					
Brown, Carri	Y	Y	Y	Y	Y	Y	Y					
Taggart, Tom	Y	Y	Y	Y	Y	Y	Y					
Cade, Dan	Y	Y	Y	Y	Y	Y	Y					
Wagner, Jeff	X	X	X	X	X	X	X					

Votes

Vote 1 – 1/24/2008

To have the 2009 Child Support Guidelines Advisory Council complete the deviation study internally.

Total Votes: The motion carried unanimously, with 12 votes.

Vote 2 – 2/28/2008

To request that bidders on the Economic Study RFP use an approach based on the USDA's report of expenditures on children by families.

Total Votes: The motion carried unanimously, with 11 votes.

Vote 3 – 12/18/2008

To remove lines 11 & 12 of the guidelines calculation to modify 3119.23I to include extraordinary work related expenses as a reason for deviation.

Total Votes: The motion carried unanimously, with 11 votes.

Vote 4 – 1/9/2009

To approve the recommendation regarding the computation of child support when multiple orders exist for children of the same parents.

Total Votes: The motion carried unanimously, with 12 votes.

Vote 5 – 1/9/2009

To approve the recommendation regarding the Guidelines change to processing charge, as noted on p. 28 of 48 in the packet.

Total Votes: The motion carried unanimously, with 12 votes.

Vote 6 – 1/9/2009

To approve the recommendation regarding the Exclusion of Income from a second job, as noted on p. 23 of the working pages packet. The recommendation to modify section 3119.05 (D) of the Revised Code is to provide the discretion for courts or agencies to disregard additional income earned from overtime or additional employment if such income was generated to support a new or additional family or generated to meet needs arising from another appropriate circumstance. For example, a court or agency may find it appropriate to disregard income earned from a second job when the party took on the second job to care for a new family at the same time the party is caring for children from a different relationship. This is to recognize the many different formations of a modern family. Also, a party recently divorced might take on a new, second job to address bills accrued during the divorce. The intent of the language is not to provide for the exclusion of income earned from a promotion or due to increased earning capacity. Nor is it the intent of the language to exclude income from a second part time job if the party has a change in circumstances in which he or she is working two (or more) jobs as opposed to full time work in a single position.

Total Votes: The motion carried unanimously, with 14 votes.

Vote 7 – 2/2/2009

To approve the recommendation regarding the Updating of Deviation Factors in Section 3119.23 of the ORC, as noted on pgs. 2-7 of the working pages packet.

Total Votes: The motion carried unanimously, with 14 votes.

Vote 8 – 2/2/2009

To approve the recommendation regarding Review and Adjustment of Orders with Deviations. Propose Statutory change to 3119.63, as noted on pgs. 8-10 of the working pages packet.

Total Votes: The motion carried unanimously, with 14 votes.

Vote 9 – 2/2/2009

To approve the recommendation regarding the Imputing of Income 3119.05 - (3119.01-New), as noted on pgs. 12-19 of the working papers packet.

Total Votes: The motion carried unanimously, with 14 votes.

Vote 10 – 2/2/2009

To approve the recommendation regarding the Line 8/9 - Tax Credit, as noted on p.27 of the working papers packet.

Total Votes: 14 (13 Yes, 1 No, 0 Abstain)

Vote 11 – 2/2/2009

To remove from consideration the recommendation regarding the Guidelines change to the Administrative Deviation, as noted on pgs. 29-32 of the working papers packet.

Total Votes: 13 (3 Yes, 10 No, 0 Abstain)

Vote 12 – 3/23/2009

To remove any further discussion on the cost of child care.

Total Votes: The motion carried unanimously, with 14 votes.

Vote 13 – 3/23/2009

To approved the recommendation to increase the minimum order amount from \$50.00 per month to \$80.00 per month and adding language to the final report that allows the CSEA to increase the minimum order by adding "or agency" into the language.

Total Votes: The motion carried unanimously, with 14 votes.

Vote 14 – 3/23/2009

To approve a recommendation creating a self support reserve test that will adjust the support obligation when the obligor is at or below the federal poverty level or if the child support obligation would reduce the obligor's household at or below the federal poverty level.

Total Votes: 14 (13 Yes, 0 No, 1 Abstain)

Vote 15 – 3/23/2009

To approve a recommendation creating a parenting time adjustment in cases with a standard parenting time order (less than 40 %) or when there is extraordinary parenting time (40% or more).

Total Votes: 13 (11 Yes, 1 No, 2 Abstain)

Vote 16 – 4/27/2009

The basic child support schedule should be adopted into the Ohio Administrative Code and updated every four years using US Department of Agriculture methodology.

Total Votes: The motion carried unanimously, with 12 votes.

Vote 17 – 5/18/2009

Revise the previously approved parenting time adjustment recommendation to reflect a 1.65 multiplier.

Total Votes: 12 (11 Yes, 0 No, 1 Abstain)

Vote 18 – 5/18/2009

Adopt the Cost Estimate methodology for calculating medical support obligations.

Total Votes: 14 (12 Yes, 1 No, 1 Abstain)

Glossary

Administrative Fee – A service fee required by state law, 2% of the ordered payment, paid by the obligor.

Arrearage – Delinquent or past-due support.

CSEA (Child Support Enforcement Agency) – the county office of child support services.

Default Case – Any case that has fallen behind by at least one month of support obligation.

Emancipation – (Age of) Month and year a child reaches the age of majority (18 in Ohio).

FEIN (Federal Employer Identification Number) – standardized employer identification numbers used by federal offices.

FTE (Full Time Equivalent) – referring to a unit equal to an employee working 40 hours per week.

IV-D (Pronounced “4” D) – A section of federal law that authorizes enforcement remedies to collect support and provides federal funding for the local agency.

Modification (of support) – Change of prior support orders based upon a substantial change in circumstances. For example, the income of one party substantially increases or a support order that deviates from amounts reflected by the Child Support Guidelines by more than 10% is deemed to be a substantial change warranting an increase in the support order.

NOW (Notice of Income Withholding) – A notice that requires an employer, financial institution, or other party to deduct support payments directly from the income of the obligor.

Obligee – Any person, including a state or political subdivision, to whom a duty of support is owed.

Obligor – Any person owing a duty of support, or a person against whom proceedings for enforcement of a duty of support is in process.

OCDA (Ohio Child Support Enforcement Agency Directors’ Association) – a professional association dedicated to strengthening Ohio’s child support program.

OCS (Office of Child Support) – The state office of child support, under the Ohio Department of Job and Family Services. ODJFS.

OCSE (Office of Child Support Enforcement) – The federal office of child support.

SETS (Support Enforcement Tracking System) – A statewide computer system for child support.

SFY (State Fiscal Year) – July 1 – June 30.

TANF (Temporary Assistance to Needy Families) – a public assistance program.