

Report to the General Assembly
Ohio's Child Support Guidelines



Presented by:
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Ohio Department of Human Services

Respectfully submitted to:

The Honorable Richard H. Finan
President
Ohio Senate

and

The Honorable Jo Ann Davidson
Speaker
Ohio House of Representatives

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FOREWORD

The following report and recommendations on Ohio's child support guidelines are respectfully submitted to the 122nd General Assembly by the Ohio Department of Human Services in accordance with Ohio Revised Code 3113.215(G):

“At least once every four years, the department of human services shall review the basic child support schedule set forth in division (D) of this section to determine whether support orders issued in accordance with the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, adequately provide for the needs of the children who are subject to the support orders, prepare a report of its review, and submit a copy of the report to both houses of the general assembly.”

The recommendations herein are the result of the diligent efforts of the Ohio Child Support Guideline Advisory Council, also assembled in accordance with Ohio Revised Code 3113.215(G):

“For each review, the department shall establish a child support guideline advisory commission to assist the department in the completion of its reviews and reports. Each commission shall be composed of obligors, obligees, judges of courts of common pleas who have jurisdiction over domestic relations cases, representatives of child support enforcement agencies, other persons interested in the welfare of children, three members of the senate appointed by the president of the senate, no more than two of whom are members of the same party, and three members of the house of representatives appointed by the speaker of the house, no more than two of whom are members of the same party.”

In submitting this report, I wish to extend my personal thanks to the members of the Guideline Council for their many months of painstaking review, discussion, and compromise. In that the issues touched upon by this Council involve children and families, they naturally evoke strong passions on all sides. Even so, the Guideline Council performed admirably in its handling of these potentially volatile issues. The members unflinchingly put the interests of the children above all other concerns, and I commend them for their dedication and professionalism.

Arnold R. Tompkins, Director
Ohio Department of Human Services

HISTORY OF CHILD SUPPORT GUIDELINES

The federal Child Support Amendments of 1984 mandated each state to enact numerical child support guidelines by October 1987. The statute specified that the guidelines “need not be binding”. As a result of that mandate, the Ohio Supreme Court issued the state’s first child support guidelines as Supreme Court Superintendence Rule 75 on October 1, 1987. In 1988, the Supreme Court revised Rule 75 to make the guidelines advisory and to make other minor changes.

In 1988, Congress again changed the conditions under which states must maintain child support guidelines. The Family Support Act of 1988 mandated that states implement presumptive, rather than advisory child support guidelines, and gave states only one year to do so.

The Family Support Act had three broad objectives:

1. To enhance the adequacy of orders for child support by making them more consistent with economic evidence on the cost of child rearing;
2. To improve the equity of orders by assuring more comparable treatment of cases with similar circumstances; and
3. To improve the efficiency of adjudicating child support orders by encouraging voluntary settlements and reducing time required to resolve contested cases.

The Family Support Act further mandated that states review their guidelines at least every four years and revise the guidelines, if appropriate, to “...ensure that their application results in the determination of 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, having earlier relinquished authority over the child support guidelines in favor of the General Assembly. Amended Substitute House Bill 591 enacted child support guidelines by enacting section 3113.215 of the Revised Code. These guidelines were substantially similar to those issued by the Supreme Court.

House Bill 59 also required the Ohio Department of Human Services to review the guidelines at least once every four years to ensure that they adequately provide for the needs of the children subject to the orders, and to prepare and submit a report to both houses of the General Assembly. Finally, the bill required the formation of a council to assist in the review.

The first guidelines council was convened by ODHS in 1991 and was charged with submitting its findings to the General Assembly no later than March 1, 1993. The recommendations of that council were the basis for Senate Bill 115, enacted in July 1993.

Among the issues studied by the first guidelines council were the costs of raising children within Ohio and the cost of raising children in single-parent households. Much of the technical analysis was done by Dr. Robert G. Williams, of Policy Studies, Inc., a national expert on guidelines development and implementation.

The Council recommended that the guidelines retain the Income Shares model which has been the basis for Ohio’s guidelines since they were created. That model, developed under the Child Support Guidelines Project funded by the federal government, is based on the concept that the child should receive the same proportion of parental income that he or she would have received if the parents lived together.

THE OHIO CHILD SUPPORT GUIDELINE ADVISORY COUNCIL

Selection

Selection of the members of the Ohio Child Support Guideline Advisory Council began in early 1995. Most of those originally named to the council remained throughout the two-year review process. In the rare instance that a vacancy occurred, an appropriate replacement was named.

As required by statute, the department requested of the General Assembly three senators and three representatives to participate on the Council. Selection of the other council members was conducted by the department. Members were selected based on their background and experiences in regard to child support knowledge and work on children's issues.

The final roster of the council can be found in Appendix A. Of those members, 21 were voting members. Department staff served in an advisory capacity. The voting members consisted of six legislators, two judges (each representing judges association), five representatives from professional associations, four representatives from child support enforcement agencies, three representatives of advocacy groups, and one public policy expert.

Committee Process And Methodology

The preliminary work of the Guidelines Council began in May 1995. At that initial meeting, members discussed the tasks before them, and agreed to begin the opinion surveys that would aid in determining what issues needed to be addressed. The Council also agreed that much of its work would have to be delayed until Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act in 1996.

The first working meeting of the Council took place in February 1996 and a 12-month plan was agreed upon. Federal law and regulations require that states review their guidelines at least every four years. The content of the review should include the following:

1. Assess overall compliance with federal requirements;
2. Analyze economic elements;
3. Analyze adjustments; and
4. Review deviation criteria.

Because of the volume of issues to be addressed and the relatively short time period in which to do it, the Council agreed to divide into six teams. Each team was assigned to review a different facet of the guidelines, analyzing the arguments on all sides and preparing its findings for consideration by the Council as a whole.

Team Assignments

Team 1: Assure Compliance: review states guidelines to assure overall compliance with federal requirements. The team was assigned to ensure presumptiveness and application of stipulations, as well as examine medical support provisions, uninsured costs, and modification standards.

Team 2: Analyze Economic Elements: review updated research on the cost of raising children, review self-support reserve against the federal poverty standard, and review changes in the tax structure.

Team Assignments (Continued)

Team 3: Deviations; Examine uniformity of application and to assure that deviations are limited.

Team 4: Worksheet Review; review formats and style of worksheets to assure uniformity and ease of use.

Team 5: Definitions; examine and review definitions, including, but not limited to, gross income, child care expenses, overtime, imputed income, social security disability, ... to ensure uniformity of application and analyze application of adjustments.

Team 6: Arrearages; while not a federal requirement, Council members agreed to go outside their directive and determine if a uniform statewide guideline for repayment of arrearages is needed and then to recommend a statewide formula for use by courts and CSEAs.

In reviewing their respective issues, the teams were given the freedom to hold meetings as frequently or as infrequently as necessary. The reports of each team were completed by December 1996 so they could be presented to the Council as a whole.

It should be noted that early in the process, the Council discussed whether or not the **Income Shares Model**, which is the basis of Ohio's guidelines, be subject to change. The Income Shares Model is based on the concept that the child should receive the same proportion of parental income that he or she would have received if the parents lived together. A basic child support obligation is computed based on the combined income of the parents. This basic obligation comes from a table which is derived from economic estimates of child rearing expenditures, minus average amounts for health insurance, child care, and a child's extraordinary medical expenses. The basic child support obligation is divided between the parents in proportion to their relative incomes.

A presentation was provided by a council member advocating a change of the model to the *Percentage-of-Obligor-Income Model*. In this model, the child support is based on a predetermined percentage of the obligor's income and number of children. The majority of council members, as well as ODHS staff, agreed that a change in the basic child support model was not warranted at this time.

While the work of the teams was ongoing, meetings of the entire Council took place bi-monthly. At these meetings, updates on the progress of each team were heard. The entire Council functioned as a steering committee, providing oversight and direction as needed.

The final recommendations of the teams were presented to the Council starting in January 1997. After a period of discussion, a vote was taken on each of the recommendations. The Council established the following voting procedures:

- **Quorum:** Members and/or their proxies had to add up, physically to eleven in order to vote on any recommendation.
- **Proxy:** Council members could designate anyone, except for another council member, as a proxy. A proxy had to be identified in writing and if member and/or proxy were not present during a vote, no subsequent follow-up vote was allowed.
- **Voting Procedures:** Issue to be voted on would be clearly stated. Members votes would be individually recorded. Voting could be completed by a calling of the roll or a show of hands. A majority vote of eleven was necessary for any issue or recommendation to be accepted and/or rejected.

Resources

In order to help the teams complete their tasks, the following resources were made available:

1. Input from experts and interested parties - teams were given the freedom to request outside speakers, consultants, records of judicial proceedings, available reading material, the testimony of obligors and obligees, and any other resources necessary for them to complete their tasks.
2. Public Input - notices of meetings of the entire Council were published by the Gongwer and Hannah News Services and posted in local Child Support Enforcement Agencies (CSEA) and newspapers. Some members of the public responded by attending the meetings or by directing their concerns to the Council in the form of letters.
3. Survey of CSEAs, the judiciary, and attorneys - in March and April 1996, the ODHS Office of Family Assistance and Child Support conducted a survey of those who work routinely with Ohio's child support guidelines, seeking input on the positive and negative aspects of the guidelines and suggestions for changes. (See Appendix B for survey).
4. Survey of juvenile and domestic relations courts - a survey was conducted by Judge Robert Pollex, of the Wood County Probate Court, to determine what are standard visitation schedules in Ohio. (See Appendix C for survey).
5. Case Sampling - the ODHS Office of Family Assistance and Child Support sampled cases from five counties in order to determine, among other things, the frequency of deviations from child support guidelines and the criteria used in those deviations. (See Appendix D for case sampling).
6. Judicial Panel Discussion - in September 1996, two panels were convened to face-off in a discussion of issues central to the formulation of child support guidelines. One panel consisted of members of the Guidelines Council, and the other consisted of members of the judiciary. Input from the audience, which consisted of more than 100 judges, CSEA staff, and others interested in child support issues was also heard. (See Appendix E for summary of discussion).
7. Presentation of Robert Williams, Ph.D., President, Policy Studies, Inc. - In January 1997, the guidelines council heard testimony from the consultant who crafted Ohio's original child support guidelines four years ago. Dr. Williams gave an update on the guidelines, discussed changes in economic data, the costs of raising children, and tax law changes since the guidelines were created, and led a discussion on timesharing and how other states handle that issue. (See Appendix F and G for details).

RECOMMENDATIONS

It is the viewpoint of the Ohio Department of Human Services that, following months of careful review and analysis, all of the recommendations in this report have been made with the best interests of the children in mind, and that each recommendation, if enacted, will improve upon Ohio's existing child support guidelines and bring the state into compliance with federal requirements. Therefore, the Ohio Department of Human Services supports all of the recommendations herein and respectfully requests the General Assembly to pursue the necessary legislation to enact them.

TEAM 1 - ASSURE COMPLIANCE

Recommendation 1

The Council finds that Ohio Revised Code is consistent with federal statutory and regulatory requirements at section 667 of Title 42 of the U.S. Code and 45 CFR 302.56 and therefore no changes to state statute are necessary to meet federal requirements.

Comments: A detailed examination was conducted of the federal requirements at 45 CFR 302.56 (a), (b), (c), (d), (e), (f), (g), and (h) and compared with ORC 3113.215.

<p>CFR: (a) Effective October 13, 1989, as a condition of approval of its State plan, the State shall establish one set of guidelines by law or by judicial or administrative action for setting and modifying child support award amounts within the State.</p>	<p>ORC: Section 3113.215 (B)(1) requires any child support order issued or modified in Ohio must be calculated using the guidelines. Section 3.11 of Ohio’s State Plan has been approved by the Department of Health and Human Services, Office of Child Support Enforcement.</p>
<p>CFR: (b) The State shall have procedures for making the guidelines available to all persons in the State whose duty it is to set child support award amounts.</p>	<p>ORC: The basic child support schedule is found in ORC 3113.215, Ohio Administrative Code 5101: 1-30-40, and the appendix to Chapter 2000 of the Child Support Enforcement Manual.</p>
<p>CFR: (c)(1) The guidelines established under paragraph (a) of this section must at a minimum: Take into consideration all earnings and income of the absent parent.</p>	<p>ORC: The definitions in Section 3113.215 (A)(2) and (A)(3) address gross income (including earned and unearned income) and self-generated incomes.</p>
<p>CFR: (c)(2) Be based on specific descriptive and numeric criteria and result in a computation of the support obligation;</p>	<p>ORC: Section 3113.215 includes an income table and worksheets.</p>

<p>CFR: (c)(3) Provide for the child(ren)'s health care needs, through health insurance coverage or other means.</p>	<p>ORC: With input from a federal auditor, federal regulations found at 45 CFR 303.30 and 303.31 were compared with state statute found at 3111.241 and 3113.217 to determine if Ohio provides for childrens' health care needs. It was determined that Ohio has the necessary legislation to accomplish this. In fact, the auditor stated that Ohio is good at obtaining orders, but falls short procedurally at getting necessary information and relaying it to the proper sources such as employers. This could be attributed to the fact that Ohio does not have an automated system as yet and all tracking is done manually. SETS will help or a change in legislation may be necessary to make medical insurance as automatic as wage withholding.</p> <p>Section 3113.215 (B)(4)(f) allows the court to provide a separate order for extraordinary medical expenses (over \$100 per calendar year) not covered by health insurance. * Section 3113.125 (B)(4)(c) allows the court to deviate from the guidelines. Therefore, it was decided that Ohio's statute meets the regulatory requirements to provide health care needs through insurance and other means - separate court order and deviation.</p>
<p>CFR: (d) The state must include a copy of the guidelines in its State plan.</p>	<p>ORC: State Plan Section 3.11 - Guidelines complies with this requirement and includes 3113.215 as an attachment.</p>
<p>CFR: (e) The State must review, and revise, if appropriate, the guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support award amounts.</p>	<p>ORC: Section 3115.215 (G) requires ODHS to establish a child support guideline advisory council to review the basic child support schedule every four years and submit a report of its review to the General Assembly.</p>

*** Note: PSI recommended increasing the extraordinary medical expenses to \$250 per calendar year. See Appendix G. This recommendation was made after the final council meeting. When developing legislation, this should be considered.**

<p>CFR: (f) Effective October 13, 1989, the State must provide that there shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established under paragraph (a) of this section is the correct amount of child support to be awarded.</p>	<p>ORC: This language is found at Section 3113.215 (B)(1)</p>
<p>CFR: (g) A written finding or specific finding on the record of a judicial or administrative proceeding for the award of child support that the application of the guidelines established under paragraph (a) of this section would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption in that case, as determined under criteria established by the State. Such criteria must take into consideration the best interests of the child. Findings that rebut the guidelines shall state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines.</p>	<p>ORC: This language is found at Section 3113.215 (B)(1)(b).</p>
<p>CFR: (h) As part of the review of a State’s guidelines required under paragraph (e) of this section, a State must consider economic data on the cost of raising children and analyze case data, gathered through sampling or other methods, on the application of, and deviations from, the guidelines. The analysis of the data must be used in the State’s review of the guidelines to ensure that deviatitons from the guidelines are limited.</p>	<p>ORC: This task was completed by Work Team #2 “Analyze Economic Elements”</p>

VOTE: Yes 11 No 0 Abstain ---

**GUIDELINE ADVISORY COUNCIL
TEAM #1 RECOMMENDATIONS**

VOTING RECORD

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

Name of Voting Member	Recommendation Number
Charles Adams	Y
Kim Newsom-Buckley	X
Judy Chavis	X
Tom Friedman	Y
Mark Inzetta	Y
Senator Jeff Johnson	X
Senator Merle Kearns	X
Judge Cheryl Karner	Y
Debbie Kline	Y
Jeff Linsker	Y
Representative June Lucas	X
Mark Macke	Y
Michael Manko	X
Cheryl Markino	Y
Representative Jim Mason	X
Anne McNealey	X
Judge Robert Pollex	X
Representative Amy Salerno	X
Senator Richard Schafrath	Y
Michael Smalz	Y
Margaret Wuwert	Y

TEAM 2 - ANALYZE ECONOMIC DATA

Recommendation 1

To update the current child support schedule to reflect nationwide income inflation and federal tax rates.

Comments: On January 13, 1997, Dr. Robert Williams, President of Policy Studies, Inc., gave a day-long presentation to the Council. He provided an overview of the development of Ohio's guideline schedule and schedules (See Appendix F). He also provided updates on the most current socio-economic data available to states for consideration in updating their schedules.

From this discussion, it became evident that the economic conditions upon which Ohio's current child support guidelines were based have changed over the past four years. The cost of living has increased in Ohio and nationwide due to inflation. There have been changes in federal tax rates that affect some household incomes. Further, there has been an increase in the poverty level which impacts the self-support reserve (the minimum income level deemed necessary for an obligor to cover the costs of his or her own basic needs.)

The changes to the basic child support schedule fall into three areas:

1. The self-support reserve is adjusted causing a downward shift in the total obligations for combined gross incomes ranging from \$9,600 to \$21,000.
2. The upper limits of the schedule rose from \$150,000 to \$180,000.
3. The basic child support obligation for combined gross incomes ranging from greater than \$21,000 to \$180,000 shifted upwards in some instances as high as 10%.

There was much discussion within the Council regarding the overall increase to the schedule. Opponents to the increase argued that there was little consideration given to the fact that if a nonresidential parent received no increase in wages, their obligation would still increase because of the tables adjusting for inflation. Also, opponents felt that other expert opinions should have been sought and the Council did not spend enough time truly analyzing the details behind the changes.

Proponents felt that the analysis of Policy Studies Inc. was acceptable as PSI staff were original members of the Child Support Project funded by the U.S. Office of Child Support Enforcement to develop the Income Shares Model. PSI staff have always updated Ohio's tables in the past and Council members felt this familiarity was vital when determining table changes.

The basic child support obligations are increased due to the effects of inflation and changes in tax structures (see Appendix G). The majority of Council members ultimately felt that child support must be held harmless against the effects of inflation. That is, as inflation erodes the purchasing power of a given income level, expenditures for child support must be protected, thus allowing the effects of inflation to be absorbed elsewhere in the obligor's budget. As to accommodating for tax changes, the adjustments to the schedule of basic obligations allow for windfall gains (or losses) to be reflected in the child support obligation. This allows any source of increase in disposable income (higher wages, overtime, a tax break) to be treated equally in gauging the obligor's ability to provide child support.

Finally, the self-support reserve must be adjusted to reflect the increase in the poverty level, thus leaving an obligor with more resources to direct toward his or her own basic needs.

VOTE:	Yes 11	No 3	Abstain 1
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**GUIDELINE ADVISORY COUNCIL
TEAM #2 RECOMMENDATIONS
VOTING RECORD**

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

Name of Voting Member	Recommendation Number
	1
Charles Adams	Y
Kim Newsom-Buckley	Y
Judy Chavis	X
Tom Friedman	Y
Mark Inzetta	N
Senator Jeff Johnson	X
Senator Merle Kearns	A
Judge Cheryl Karner	Y
Debbie Kline	Y
Jeff Linsker	Y
Representative June Lucas	Y
Mark Macke	Y
Michael Manko	X
Cheryl Markino	Y
Representative Jim Mason	X
Anne McNealey	Y
Judge Robert Pollex	X
Representative Amy Salerno	X
Senator Richard Schafrath	N
Michael Smalz	Y
Margaret Wuwert	N

TEAM 3 - DEVIATIONS

Recommendation 1

Ohio Revised Code Section 3113.215 (B)(3) (a) through (p) be changed as follows:

- [a] No change recommended
- [b] No change recommended
- [c] No change recommended. Discussion held on providing direction as to what “court ordered payments” is referred to. All agreed it was a uniform standard statewide that child support order is calculated **before** spousal support. If tried to provide direction, team would have to address court ordered payments....at decree vs. post decree.... All agreed this would over regulate the issue.
- [d] Change the word “visitation” to “parenting time” where it appears in this section.
- [e] No change recommended.
- [f] No change recommended.
- [g] No change recommended.
- [h] No change recommended.
- [I] No change recommended.
- [j] No change recommended.
- [k] No change recommended.
- [l] No change recommended.
- [m] No change recommended.
- [n] No change recommended.
- [o] No change recommended.
- [p] Add “...which shall be specified in the finding...” (Provide insight to future commissions in regard to what is falling into this “catch all” factor.)

Comments: For its first vote, the council agreed to set aside the recommendations regarding Ohio Revised Code 3113.215(B)(3)(d) and (f), and vote upon them separately. The first vote of the council, then, involved the recommendations regarding Ohio Revised Code 3113.215(B)(3)(a) through (p) *except* (d) and (f).

VOTE:	Yes 13	No 0	Abstain ---
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Regarding Ohio Revised Code 3113.215(B)(3)(d), the team discussed providing direction as to what “court ordered payments” refers to. All agreed it is a uniform standard statewide that the child support order is calculated **before** spousal support. In an attempt to provide direction, the team would have to address court-ordered payments — at decree vs. post-decree. All agreed this would over-regulate the issue.

VOTE:	Yes 15	No 0	Abstain ---
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Regarding Ohio Revised Code 3113.215(B)(3)(f), the Deviations team discussed the impact of Social Security Disability (SSD) on this factor. The team agreed to refer this to the Definitions team so that it could be clearly defined under gross income. Council approved changes there.

VOTE:	Yes 15	No 0	Abstain ---
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Regarding Ohio Revised Code 3113.215(B)(3)(j), the team discussed adding the word “either” before “parent.” After discussing the issue, it was agreed not to make this addition. No vote was taken on this issue.

Recommendation 2

The Department share the caseload sampling data with the Ohio Supreme Court and seek assistance in bringing about compliance with regard to the filing of worksheets with support orders.

Comments: Though the caseload sampling project was beneficial to the council, it was determined that the sampling was impaired by the noncompliance of filing worksheets in the case record. In 1992, legislation required that worksheets must be attached to the findings. The council was duly concerned that a sampling taken from January 1994 through March 1996 showed noncompliance of this requirement to be significant. The council was unable to draw any reliable conclusions from the data in regard to the true rate of deviations occurring and their impact on families. (See Appendix D for caseload sampling result).

VOTE:	Yes 13	No 0	Abstain ---
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Recommendation 3

The department continue deviation case sampling in preparation for the next council.

- A. Expand sampling to all 88 counties
- B. Monitor courts and agencies for uniformity of practice.
- C. Sample for rate and reason for deviations and their financial impact statewide.
- D. Share results with CSEAs, Courts, and the Ohio Supreme Court.

VOTE:	Yes 13	No 0	Abstain ---
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Recommendation 4

The department establish a workgroup made up of attorneys, judges, and CSEA representatives to re-engineer the child support guidelines workbook into a guide for professionals. The guide should include not only legislative changes, but also examples, explanations as to intent, etc.

VOTE:	Yes 13	No 0	Abstain ---
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**GUIDELINE ADVISORY COUNCIL
TEAM #3 RECOMMENDATIONS
VOTING RECORD**

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

Name of Voting Member	Recommendation Number					
	1*	(d)	(f)	2	3	4
Charles Adams	Y	Y	Y	Y	Y	Y
Kim Newsom-Buckley	Y	Y	Y	Y	Y	Y
Judy Chavis	X	X	X	X	X	X
Tom Friedman	Y	Y	Y	Y	Y	Y
Mark Inzetta	Y	Y	Y	Y	Y	Y
Senator Jeff Johnson	X	X	X	X	X	X
Senator Merle Kearns	X	Y	Y	X	X	X
Judge Cheryl Karner	Y	Y	Y	Y	Y	Y
Debbie Kline	Y	Y	Y	Y	Y	Y
Jeff Linsker	Y	Y	Y	Y	Y	Y
Representative June Lucas	X	Y	Y	X	X	X
Mark Macke	Y	Y	Y	Y	Y	Y
Michael Manko	X	X	X	X	X	X
Cheryl Markino	Y	Y	Y	Y	Y	Y
Representative Jim Mason	Y	X	X	Y	Y	Y
Anne McNealey	X	Y	Y	X	X	X
Judge Robert Pollex	X	X	X	X	X	X
Representative Amy Salerno	X	X	X	X	X	X
Senator Richard Schafrath	Y	Y	Y	Y	Y	Y
Michael Smalz	Y	Y	Y	Y	Y	Y
Margaret Wuwert	Y	Y	Y	Y	Y	Y

TEAM 4 WORKSHEET REVIEW

Sole Residential Parent or Shared Parenting Computation Sheet

Recommendation 1

Move lines 11 and 12, which apply to self-employed individuals only, from the second page of the sole residential or shared parenting worksheet, and insert a section for self-employed individuals. (See new worksheet line 1c through line 2 -- page 20).

Comments: The sole residential or shared parenting worksheet is poorly organized and does not adequately reflect the statutory scheme. It should be easy to compute by hand and be more consistent with the statutory language.

Since line 1a. asks for gross income from employment, and does not address gross receipts where a person is self-employed, the usual problem encountered is that a self-employed individual will put net receipts on line 1a. and then will get further benefits from lines 11 and 12 on page 2.

VOTE:	Yes 16	No 0	Abstain --
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Recommendation 2

Insert a subtitle and add new instructional language on the worksheet for the adjustments to be added in calculating total annual gross income, and include language in line 8 to clarify that children adopted by either parent are eligible for the adjustment. (See new worksheet line 8 -- page 21).

Comments: On the current worksheet, the sections following the calculation of total annual gross income are not identified as adjustments to income. The subtitle and new instructional language are for the purpose of clarification.

VOTE:	Yes 16	No 0	Abstain --
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Recommendation 3

Remove line 10, which provides for an adjustment in income for local income tax actually paid or estimated to be paid.

Comments: The council discussed whether it is necessary to consider local income tax paid or estimated to be paid as an adjustment to income. Local income tax rates are fairly modest, and such taxes are, in fact, deductible on income tax returns. Local income taxes vary widely and change frequently, and out-of-state rates are unknown. When computing the guidelines, most lawyers or courts agree to ignore line 10. The effect of subtracting local income tax paid annually on the bottom line child support amount is negligible.

Following discussion on this issue, the council voted not to accept this recommendation.

VOTE:	Yes 8	No 9	Abstain --
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Recommendation 4

Insert on the worksheet an additional adjustment for union dues and other mandatory work-related deductions. (See new worksheet line 12 -- page 21).

Comments: Ohio Revised Code 3113.215(A)(2) excludes from gross income mandatory deductions such as union dues, but not taxes, social security or retirement in lieu of social security. A place is needed on the worksheet to subtract mandatory deductions.

VOTE:	Yes 16	No 1	Abstain ---
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Recommendation 5

Revise the worksheet to reflect adjustments in income from child care expenses and the marginal costs of health insurances (lines 19 and 20 -- page 22).

Comments: Line 21 on the new worksheet shows that the payer gets credit for child care actually paid and shows the effect the credit has on the overall child support order. It shows what each individual is paying and the amount that is deducted from the child support order so the payer knows that he/she is receiving credit and what that credit is.

VOTE:	Yes 18	No 0	Abstain ---
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Recommendation 6

Eliminate line 25, “gross household income per party after exchange of child support.”

Comments: This line serves no useful purpose. It causes further animosity between parties, and there is no supporting statute for its use. the guidelines are income-based, and there is no need for post-child-support income to be listed as it has no effect on the support amount ordered.

VOTE:	Yes 17	No 1	Abstain ---
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Recommendation 7

Section of worksheet currently referred to as “comments, rebuttal, or adjustments” (line 26, current worksheet) should be retitled “deviations,” and include the explanation, as stated in the instructions, that financial facts to support adjustments must be included. Also, specify separately in this section the basis for deviating from the guidelines in shared parenting situations. (See new worksheet line 23 -- page 22).

Comments: Using the word “Deviations” from the calculated child support amount is consistent with the statute. Including the explanation serves to reinforce the message that deviations must be based upon financial reasons and not merely facts. Separately specifying the basis for deviating from the guidelines in shared parenting situations is necessary since this is a combined worksheet for both sole residential parents and shared parenting orders.

VOTE:	Yes 18	No 0	Abstain ---
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Recommendation 8

Remove “per child” stipulation from line 28 of the current worksheet.

Comments: The basic child support schedule does not provide for an equal share based on the number of children. When a child is deleted from the order, it should be reviewed and adjusted based on the number of children remaining on the order and in accordance with the basic child support schedule.

VOTE:	Yes 14	No 4	Abstain ---
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Recommendation 9

Eliminate line 29 of the current worksheet. “For Deduction Order,” which calculates support per pay period.

Comments: “Deduction Orders” are no longer used. A statewide, mandated “withholding notice” is now used and all support notices merely state the monthly amount to be withheld by employers. (See new worksheet line 25 -- page 23).

VOTE:	Yes 18	No 0	Abstain ---
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Recommendation 10

Eliminate notarization of the worksheet.

Comments: A vast majority of worksheets are attached to and incorporated in final judgment and decrees or court orders and are not sworn documents of the parties. It is noted that notarization is not required on a separation agreement in an agreed decree, or any agreed entry or order submitted by the parties to the court. (See new worksheet after line 27 -- page 23).

Vote: (17 for, 1 against)

VOTE:	Yes 17	No 1	Abstain ---
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Recommendation 11

Adopt revised worksheet including revised format to incorporate Council’s recommendations. (See pages 20-27).

VOTE:	Yes 18	No 0	Abstain ---
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**GUIDELINE ADVISORY COUNCIL
TEAM #4 RECOMMENDATIONS
VOTING RECORD**

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

Name of Voting Member	Recommendation Number										
	1	2	3	4	5	6	7	8	9	10	11
Charles Adams	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kim Newsom-Buckley	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Judy Chavis	X	X	X	X	X	X	X	X	X	X	X
Tom Friedman	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y
Mark Inzetta	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y
Senator Jeff Johnson	X	X	Y	Y	Y	Y	Y	Y	Y	Y	Y
Senator Merle Kearns	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Judge Cheryl Karner	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y
Debbie Kline	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
Jeff Linsker	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Representative June Lucas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mark Macke	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Michael Manko	X	X	X	X	X	X	X	X	X	X	X
Cheryl Markino	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Representative Jim Mason	X	X	X	X	X	X	X	X	X	X	X
Anne McNealey	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y
Judge Robert Pollex	X	X	X	X	Y	Y	Y	Y	Y	Y	Y
Representative Amy Salerno	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Senator Richard Schafrath	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y
Michael Smalz	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Margaret Wuwert	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y

**CHILD SUPPORT COMPUTATION WORKSHEET
SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER**

Name of Parties _____ Case No. _____ Number of minor children _____
 The following parent was designated as residential parent and legal custodian: [] Mother [] Father [] Shared

**Column I
Father** **Column II
Mother** **Column III
Combined**

INCOME

1a. Annual gross income from employment, or, when determined appropriate by the Court or agency, average annual gross income from employment over a reasonable period of years. (Exclude overtime, bonuses, self-employment income or commissions)	\$ _____	\$ _____									
b. Amount of overtime, bonuses and commissions (Yr. 1 representing the most recent year) <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Father</td> <td style="width: 50%;">Mother</td> </tr> <tr> <td>Yr. 3 \$ _____ (Three years ago)</td> <td>Yr. 3 \$ _____ (Three years ago)</td> </tr> <tr> <td>Yr. 2 \$ _____ (Two years ago)</td> <td>Yr. 2 \$ _____ (Two years ago)</td> </tr> <tr> <td>Yr. 1 \$ _____ (Last calendar year)</td> <td>Yr. 1 \$ _____ (Last calendar year)</td> </tr> </table>	Father	Mother	Yr. 3 \$ _____ (Three years ago)	Yr. 3 \$ _____ (Three years ago)	Yr. 2 \$ _____ (Two years ago)	Yr. 2 \$ _____ (Two years ago)	Yr. 1 \$ _____ (Last calendar year)	Yr. 1 \$ _____ (Last calendar year)			
Father	Mother										
Yr. 3 \$ _____ (Three years ago)	Yr. 3 \$ _____ (Three years ago)										
Yr. 2 \$ _____ (Two years ago)	Yr. 2 \$ _____ (Two years ago)										
Yr. 1 \$ _____ (Last calendar year)	Yr. 1 \$ _____ (Last calendar year)										
(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonable expected to be earned this year).....	\$ _____	\$ _____									
FOR SELF-EMPLOYMENT INCOME											
c. Gross receipts from business.....	\$ _____	\$ _____									
d. Ordinary and necessary business expenses	\$ _____	\$ _____									
e. 5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate.....	\$ _____	\$ _____									
2. Adjusted gross income from self-employment (subtract the sum of 1d. and 1e. from 1c.).....	\$ _____	\$ _____									
3. Annual income from interest and dividends (whether or not taxable)....	\$ _____	\$ _____									
4. Annual income from unemployment compensation	\$ _____	\$ _____									
5. Annual income from Workers' Compensation, disability insurance benefits or Social Security Disability/retirement benefits.....	\$ _____	\$ _____									
6. Other annual income (identify) _____	\$ _____	\$ _____									
7. Total annual gross income (add lines 1-6)	\$ _____	\$ _____									

Column I
Father

Column II
Mother

Column III
Combined

ADJUSTMENTS TO INCOME

8. Adjustment for minor children born to or adopted by either parent and another parent, which children are living with this parent, adjustment does not apply to stepchildren (number of children times federal income tax exemption).....	\$ _____	\$ _____	
9. Annual court-ordered support paid for other children	\$ _____	\$ _____	
10. Annual court-ordered spousal support paid to any former spouse.....	\$ _____	\$ _____	
11. Amount of local income taxes actually paid or estimated to be paid.....	\$ _____	\$ _____	
12. Mandatory work-related deductions such as union dues, uniform fees, etc (not including taxes, social security or retirement).....	\$ _____	\$ _____	
13. Total gross income adjustments (add lines 8 through 12).....	\$ _____	\$ _____	
14. Adjusted annual gross income (subtract line 13 from line 7).....	\$ _____	\$ _____	
15. Combined annual income that is basis for child support order (add line 14, Col. I and Col. II).....			\$ _____
16. Percentage parent's income to total income a. Father (divide line 14, Col. I, by line 15, Col. III) _____ % b. Mother (divide line 14, Col. II, by line 15, Col. III) _____ %			
17a Basic combined child support obligation (refer to Schedule, first column, locate sum nearest line 15, Col. III, then refer to column for number of children in this family. If the income of the parents is more than one sum, less than another, you may calculate the difference			\$ _____
b. Any non means tested benefits paid to a child or a child's representative due to death, disability or retirement of the parent.....			\$ _____
c. Basic combined child support obligation (subtract line 17b from 17a).			\$ _____
18. Annual support obligation per parent a. Father (multiply line 17, Col. III, by line 16a)..... b. Mother (multiply line 17, Col. III, by line 16b)	\$ _____	\$ _____	
19. Annual child care expenses that are work, employment training, or education related, as approved by the Court or agency (deduct tax credit from annual cost whether or not claimed)	\$ _____	\$ _____	
20. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order.....	\$ _____	\$ _____	

Column I
Father

Column II
Mother

Column III
Combined

21. Adjustments to child support	
Father (only if obligor or shared parenting)	Mother (only if obligor or shared parenting)
21a. Additions: line 16a times sum of amounts shown on line 19, Col. II and line 20, Col. II <div style="text-align: right;">\$ _____</div>	21b. Additions: line 16b times sum of amounts shown on line 19, Col. I and line 20, Col. I <div style="text-align: right;">\$ _____</div>
21c. Subtractions: line 16b times sum of amounts shown on line 19, Col. I & line 20, Col. I <div style="text-align: right;">\$ _____</div>	21d. Subtractions: line 16a times sum of amounts shown on line 19, Col. II and line 20, Col. II <div style="text-align: right;">\$ _____</div>

22. Obligation before Parenting Time Adjustment (PTA):

- a. Father Obligor: line 18a plus line 21a minus line 21c..... \$ _____
- b. Mother Obligor: line 18b plus line 21b minus line 21d \$ _____

23a. Deviation from sole residential parent guideline amount shown on line 22a or 22b if amount would be unjust or inappropriate; [See O.R.C. Section 3113.215(B)(3)(a) and (b)] (Specific facts and monetary value must be stated.)

b. Deviation from shared parenting order; [See O.R.C. Section 3113.215(B)(3) and (B)(6)] (Specific facts including amount of time children spend with each parent, ability of each parent to maintain adequate housing for children and each parent's expenses for children must be stated to justify deviation.)

Column I
Father

Column II
Mother

Column III
Combined

PARENTING TIME ADJUSTMENT (to Obligor)

- 24 a. Number of overnights _____
- b. Percentage adjustment from PTA table _____%
- c. PTA (multiply line 17 Col. III times line 24b) \$ _____
- 25. Actual Annual Obligation (subtract line 24c from line 22a or 22b) \$ _____
- 26. FINAL FIGURE (This amount reflects final **annual** child support obligation; line 25 less any amounts indicated in 23a or 23b) \$ _____ Father/Mother, OBLIGOR
- 27. FOR DECREE Child support per month (divide obligor's annual share, line 25, by 12) plus appropriate poundage \$ _____

Prepared by:

Counsel: _____
(For Mother/Father)

ProSe: _____

CSEA: _____

Other: _____

Worksheet has been reviewed and agreed to:

Mother

Date

Father

Date

**CHILD SUPPORT COMPUTATION WORKSHEET
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES**

Name of Parties _____ Case No. _____ Number of minor children _____
 Number of minor children with Mother _____ Father _____.

Column I Column II Column III
Father Mother Combined

INCOME

1a. Annual gross income from employment, or, when determined appropriate by the Court or agency, average annual gross income from employment over a reasonable period of years. (Exclude overtime, bonuses, self-employment income or commissions)	\$ _____	\$ _____	
b. Amount of overtime, bonuses and commissions (Yr. 1 representing the most recent year) Father Mother Yr. 3 \$ _____ Yr. 3 \$ _____ (Three years ago) (Three years ago) Yr. 2 \$ _____ Yr. 2 \$ _____ (Two years ago) (Two years ago) Yr. 1 \$ _____ Yr. 1 \$ _____ (Last calendar year) (Last calendar year)			
(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonable expected to be earned this year).....	\$ _____	\$ _____	
FOR SELF-EMPLOYMENT INCOME			
c. Gross receipts from business.....	\$ _____	\$ _____	
d. Ordinary and necessary business expenses	\$ _____	\$ _____	
e. 5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate.....	\$ _____	\$ _____	
2. Adjusted gross income from self-employment (subtract the sum of 1d. and 1e. from 1c.).....	\$ _____	\$ _____	
3. Annual income from interest and dividends (whether or not taxable)....	\$ _____	\$ _____	
4. Annual income from unemployment compensation	\$ _____	\$ _____	
5. Annual income from Workers' Compensation, disability insurance benefits or Social Security Disability/retirement benefits.....	\$ _____	\$ _____	
6. Other annual income (identify) _____	\$ _____	\$ _____	
7. Total annual gross income (add lines 1-6)	\$ _____	\$ _____	

**Column I
Father**

**Column II
Mother**

**Column III
Combined**

ADJUSTMENTS TO INCOME

8. Adjustment for minor children born to or adopted by either parent and another parent, which children are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption).....	\$ _____	\$ _____	
9. Annual court-ordered support paid for other children	\$ _____	\$ _____	
10. Annual court-ordered spousal support paid to any former spouse.....	\$ _____	\$ _____	
11. Amount of local income taxes actually paid or estimated to be paid....	\$ _____	\$ _____	
12. Mandatory work-related deductions such as union dues, uniform fees, etc (not including taxes, social security or retirement).....	\$ _____	\$ _____	
13. Total gross income adjustments (add lines 8 through 12).....	\$ _____	\$ _____	
14. Adjusted annual gross income (subtract line 13 from line 7).....	\$ _____	\$ _____	
15. Combined annual income that is basis for child support order (add line 14, Col. I and Col. II).....			\$ _____
16. Percentage parent's income to total income a. Father (divide line 14, Col. I, by line 15, Col. III) _____ % b. Mother (divide line 14, Col. II, by line 15, Col. III) _____ %			
17a Basic child support obligation (refer to Schedule, first column, locate sum nearest line 15, Col. III, then refer to column for number of children with this parent. If the income of the parents is more than one sum, less than another, you may calculate the difference	For children with Mother \$ _____	For children with Father \$ _____	
b. Any non means tested benefits paid to a child or a child's representative due to death, disability or retirement of the parent.....	\$ _____	\$ _____	
c. Basic child support obligation (subtract line 17b from 17a).....	\$ _____	\$ _____	
18. Annual support obligation per parent a. Father (multiply line 17, Col. III, by line 16a)..... b. Mother (multiply line 17, Col. III, by line 16b)	\$ _____	\$ _____	
19. Annual child care expenses that are work, employment training, or education related, as approved by the Court or agency (deduct tax credit from annual cost whether or not claimed)	\$ _____	\$ _____	
20. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order.....	\$ _____	\$ _____	

**Column I
Father**

**Column II
Mother**

**Column III
Combined**

21. Adjustments to child support		Father	Mother
21a. Additions: line 16a times sum of amounts shown on line 19, Col. II and line 20, Col. II	21b. Additions: line 16b times sum of amounts shown on line 19, Col. I and line 20, Col. I	\$ _____	\$ _____
21c. Subtractions: line 16b times sum of amounts shown on line 19, Col. I & line 20, Col. I	21d. Subtractions: line 16a times sum of amounts shown on line 19, Col. II and line 20, Col. II	\$ _____	\$ _____

22. Actual annual obligation:

- a. Father Obligor: line 18a plus line 21a minus line 21c..... \$ _____
- b. Mother Obligor: line 18b plus line 21b minus line 21d \$ _____
- c. Net child support payable (subtract lesser obligation from greater obligation)..... \$ _____

23a. Deviation from split residential parent guideline amount shown on line 22a or 22b if amount would be unjust or inappropriate; [See O.R.C. Section 3113.215(B)(3)(a) and (b)] (Specific facts and monetary value must be stated.)

b. Deviation from shared parenting order; [See O.R.C. Section 3113.215(B)(3) and (B)(6)] (Specific facts including amount of time children spend with each parent, ability of each parent to maintain adequate housing for children and each parent's expenses for children must be stated to justify deviation.)

Column I	Column II	Column III
Father	Mother	Combined

24. FINAL FIGURE (This amount reflects final **annual** child support obligation; line 22c less any amounts indicated in 23a or 23b) \$ _____ Father/Mother, OBLIGOR
25. FOR DECREE Child support per month (divide obligor's annual share, line 24, by 12) plus appropriate poundage \$ _____

Prepared by:

Counsel: _____
(For Mother/Father)

ProSe: _____

CSEA: _____

Other: _____

Worksheet has been reviewed and agreed to:

Mother

Date

Father

Date

TEAM 5 - DEFINITIONS

Income Imputation

Recommendation 1

Add the following insert to 3113.215 (A)(5), based on the model utilized by the state of Michigan.

“In considering a party’s unexercised ability to earn, the court or CSEA shall consider among other equitable factors the following criteria:

- a. Prior employment experience;
- b. Educational level;
- c. Physical and mental disabilities;
- d. Availability of employment in the local geographical area;
- e. Prevailing wage rates in the local geographical area;
- f. Special skills and/or training;
- g. Whether there is evidence that the party in question has the ability to earn the imputed income;
- h. The young age and any special needs of the child;
- i. Increased earning capacity as a result of age or experience; or
- j. Any reasonable anticipated child care costs;
- k. Any other relevant factor.”

In addition, include a separate criterion (letter i, above) to consider an individual’s increased earning capacity over time as modifications become due. Any legislation that is developed needs to be done so as not to exclude the administrative ability to impute income.

Comments: Because income imputation is an estimate, in February 96, the Council recommended a careful evaluation of the standards for imputation. Recommendation was patterned on Michigan, which appeared to have the most equitable approach. The Council reviewed other states’ guidelines imputation procedures/statutes including:

- Colorado, where income is imputed if *a parent* is voluntarily un-or underemployed, unless the parent is incapacitated, or the child is very young (2 and under).
- Kansas, where income is imputed to the *noncustodial parent* if they are able to work but is deliberately unemployed or underemployed. Income may be imputed to *custodial parent* if it does not raise the other parent’s support.
- Michigan imputes to *either parent* if there is voluntary reduction in income or voluntary unexercised ability to earn, but does not impute to parties receiving means tested income. Consideration is given to a list of factors such as past employment, education, etc.
- Minnesota, imputes income if *a parent* is voluntarily unemployed or underemployed. If the parent receives public assistance, or is physically or mentally incapacitated, it is presumed that there is no voluntary unemployment or underemployment.

- Missouri imputes if *either parent* is unemployed or underemployed.
- Montana imputes if *a parent* is voluntarily unemployed or underemployed by using probable earnings or minimum wage. Income is not imputed if the person is incapacitated, there is no work, the person is training for work, etc.

VOTE:	Yes 14	No 0	Abstain ---
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Recommendation 2

Add to ORC 3113.215(A)(5)(a): “It shall be rebuttably presumed that a parent receiving means-tested public assistance, as defined in ORC 3113.215(A)(2) is not voluntarily underemployed or unemployed and no income shall be imputed to said parent. This presumption may be overcome by evidence, established before the court or agency, that the failure to impute income would be unjust, inappropriate and not in the best interest of the child.”

Comments: A great deal of time was spent discussing the pros and cons of imputing income in means tested public assistance cases. The Council is aware that this is a sensitive, high impact issue. It is hoped that this recommendation will achieve consistency in the approach to imputing support if either of the parties receive assistance. The recommendation emphasizes that imputation would not be automatic. The presumption that imputation was inappropriate could only be rebutted by a determination that the parent voluntarily quit his/her job to obtain Temporary Assistance to Needy Families (TANF) benefits or if the failure to impute income would be unjust or inappropriate. The presumption may be overcome by evidence.

VOTE:	Yes 13	No 0	Abstain 2
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Recommendation 3

Imputation of child care when income is also imputed.

Comments: Discussion ensued regarding other states’ inclusion of child care in the imputing process. Evaluation of a variety of child support computation worksheets to demonstrate the effects of child care on imputed income.

VOTE:	Yes 1	No 13	Abstain ---
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Comments for vote: The Council was opposed to this recommendation. Members felt imputation of income is an estimate. The group did not believe it was always appropriate to require the court or agency to estimate the amount of child care attributable to an estimated income. If you continue to layer estimate after estimate, the imputed data becomes more fictional than fact. In addition, the cost of child care varies widely, so it would be difficult to define standard cost. Council felt it was best to only allow the imputation of one factor.

Tax Exemptions

Recommendation 4

Developed new proposed language in ORC 3113.21(C)(1)(f) giving the court flexibility to determine if the nonresidential parent and legal custodian may claim the child(ren) for federal income tax purposes, if it is in the best interest of the child. The new language will also allow the court to consider any other relevant factor in the best interest of the child, and is cited in the above section, after the second sentence. The Council recommended use of the following proposed language:

Revised ORC 3113.21(C)(1)(f): Whenever a court INITIATES, modifies, reviews, or otherwise reconsiders a child support order, it may reconsider which parent may claim the children who are the subject of the child support order as dependents for federal income tax purposes as set forth in section 151 of the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, and shall issue its determination on this issue as part of the child support order. The court in its order may permit the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes (1) only if the payments for child support are current in full as ordered by the court for the year in which the children will be claimed as dependents AND (2) IF THE COURT DETERMINES THAT IT FURTHERS THE BEST INTEREST OF THE CHILDREN. IN MAKING ITS DETERMINATION, THE COURT SHALL CONSIDER ANY NET TAX SAVINGS, THE RELATIVE FINANCIAL CIRCUMSTANCES AND NEEDS OF THE PARENTS AND CHILDREN, THE AMOUNT OF VISITATION OR SHARED PARENTING TIME, THE ELIGIBILITY OF EITHER OR BOTH PARENTS FOR THE FEDERAL EARNED INCOME TAX CREDIT, AND ANY OTHER RELEVANT FACTOR CONCERNING THE BEST INTEREST OF THE CHILDREN. If the court determines that the parent who is not the residential parent and legal custodian may claim the children as dependents for federal income tax purposes, it shall order the residential parent to take whatever action is necessary pursuant to section 152 of the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes in accordance with the order of the court. Any willful failure of the residential parent to comply with the order of the court is contempt of court.

Comments: This recommendation gives the court constructive guidance on which to base the decision of which parent receives the tax exemption. Also, the group discussed including in the workbook an explanation of IRS form 8332 which specifies which parent will be taking the exemption and for which years.

VOTE:	Yes 17	No 0	Abstain 1
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Overtime, Second Job and Multiple Families

Recommendation 5

In the development of the Child Support Workbook for Professionals it be emphasized that income earned from overtime and second jobs, in some instances, are legitimate deviation factors. The department shall revise existing notices to inform consumers of their right to deviation based on these factors.

Comments: The Council heard testimony from numerous nonresidential parents that the guidelines were unfair and treated the second family unjustly. The Council also identified this issue because of a perception that consideration of income from overtime and from second jobs that was earned for the express purpose of a nonresidential's second family was not uniformly treated. Some courts disregard and allow a deviation based on these earnings, other courts do not. Also, non-residential parents, during a review and adjustment proceeding, may not understand they have a right to ask for a court hearing to request a deviation.

VOTE:	Yes 12	No 0	Abstain 3
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Recommendation 6

Recommend no changes regarding multiple families by obligor, but emphasize options in the Child Support Workbook for Professionals.

Comments: The Council heard citizen testimony regarding the inequities found in the guidelines for determining the obligations for a nonresidential parent who pays support to multiple families. While this is currently a deviation factor, courts approach the application differently. The Council recommended that a section of the Child Support Workbook for Professionals address this issue and provide some clarification and direction to courts and legal professionals. Future Advisory Councils need to reexamine this issue, especially once a statewide system is in place that can more readily identify these kinds of situations.

VOTE:	Yes 12	No 0	Abstain 3
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Self-employed, Depreciation and Non-cash Income

Recommendation 7

Remove the word “replacement” from ORC 3113.215(A)(4)(a).

Comments: The Council discussed whether or not there was a need to modify the definition of ordinary and necessary business expenses; however, based on a review of ORC 3113.215(A)(3) and (4) as well as case law including Kamm v. Kamm, (1993), 67 Ohio St. 3d. 174, 616 NE 2d. 900, the Council decided no additional clarification was necessary. The Council did agree that the application of the law would be more clear if the word “replacement” was removed. This would allow the equipment to reflect both replacement equipment and new acquisitions. The way the statute currently reads, compensation is only permitted for the depreciation expense of replacement equipment. The Council believes that the depreciation expense of new equipment should also be a legitimate inclusion in business expenses.

VOTE:	Yes 15	No 0	Abstain ---
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In-Kind Support

Recommendation 8

No changes to in-kind support.

Comments: This issue was discussed in the Guidelines Deviation Team meeting with group members deciding it was not an issue that needed to be addressed or changed.

VOTE:	Yes 13	No 0	Abstain 3
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Lottery

Recommendation 9

No change to ORC 3770.071 in regard to lottery winnings.

Comments: The situation of using lottery winnings to set support arose rarely, and experience indicates that enforcement proceeds smoothly.

VOTE:	Yes 16	No 0	Abstain ---
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Adoption and Foster Care Subsidies

Recommendation 10

Adoption and foster care subsidies should not be considered income for the purposes of setting support. This exclusion should be added to the gross income exclusions at ORC 3113.215(A)(2).

Comments: Selected rules from the Office of Child Care/Family Services were reviewed and the consensus followed that these subsidies should be excluded as income since the allowances covered necessary living expenses. The Council wants to encourage adoption and foster care programs and not create any disincentives such as treating these subsidies as child support income.

VOTE:	Yes 16	No 0	Abstain ---
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Definition of “Child Support”

Recommendation 11

A definition of child support be adopted during the welfare reform process. Subsequent guidelines councils should review the definition of child support and make changes at that time, if needed.

Comments: In statute, there is a definition for support order, but not for the term “child support.” The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) creates a revised definition of a support order (ref. Section 333 of the Act, which amends 42 USC 653)... “... the term support order means a judgment, decree, or order, *whether temporary, final, or subject to modification*, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, *including a child who has attained the age of majority under the law of the issuing State*, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys’ fees, and other relief.”

This new definition has been discussed by the Council as well as by the ODHS Child Support workgroups established to evaluate the impact of PRWORA changes. ORC basically provides for all the requirements of this definition: monetary support is found at 2301.34, health care is found at 3111.241 & 3113.214, arrearages & income withholding are found at 3113.21, reimbursement is found at 5107 & 5111, and interest, attorney fees, genetic test recovery & other relief are found at 3113.219, 3111.99, 3113.99 & 3115.13, and poundage is 2301.35 (H) (1). This recommendation will act as a reminder to future Guideline Advisory Councils to reexamine the issue.

VOTE:	Yes 15	No 0	Abstain ---
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Best Interest of the Child

Recommendation 12

Remove, in the second sentence under 3113.215(B)(3) the words “and would not be in the best interest of the child,” and add at the very end of (3), after the word “criteria,” the words “which represent the child’s best interest.” This will assist the court in consideration of sections (a) through (p) to determine which factors actually express the best interest of the child.

Comments: Federal regulations that define guidelines compliance require the guidelines calculation to be a rebuttable presumption {(302.56(f))}, and require at 45 CFR 302.56(g) that deviations from the presumption be documented by “A written finding or specific finding on the record of a judicial or administrative proceeding for the award of child support that the application of the guidelines established under paragraph (a) of this section would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption in that case, as determined under criteria established by the state. Such criteria must take into consideration the best interests of the child...”

The foregoing would permit Ohio to clarify 3113.215(B)(3) to continue the unjust and inappropriate standard and to clarify that the criteria in sections (a) through (p) are a reflection of the best interest.

VOTE:	Yes 13	No 2	Abstain ---
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Recommendation 13

Amend 3113.216(E)(1) to read “..., the agency determines that a finding of good cause exists as defined in ORC 5107.071(C) for the children of the order, ...”

Comments: Best interest also becomes relevant when determining whether to conduct the mandatory review and adjustment (modification) for public assistance clients. In this circumstance, the regulations at 45 CFR 303.8(c)(5) equate best interest with a finding of good cause for failure to cooperate in the child support process.

VOTE:	Yes 15	No 0	Abstain ---
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Personal Tax Deductions for a Dependent

Recommendation 14

Removing the words "...less child support received for them for the year," which is the last sentence in 3113.215(B)(5)(c).

Comments: ORC 3113.215(B)(5)(c) currently permits a deduction from gross income that is calculated to equal the personal tax deduction for a dependent, reduced by child support received. The Council proposed to remove the reduction for support because (a) if the parents are still married, there is no support and (b) the deduction is difficult to calculate if support is sporadic.

VOTE:	Yes 16	No 0	Abstain ---
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SSD/Veterans Disability Benefits

Recommendation 15

This issue was referred to the Council by the Ohio Child Support Director's Association because of variation in opinion about the appropriate handling. The premise of the following four recommendations is whether or not the income form is means tested (if so, it is excluded); or earned income (if so, it is included). No changes to ORC or the child support worksheet are necessary for inclusion of SSI benefits that children receive.

Comments: The Council spent a great deal of time discussing this issue and strongly believes that means tested benefits are not earned income and should not be included in guidelines calculations. The issue should be clarified in the workbook. (Reference Recommendation 2.)

VOTE:	Yes 16	No 0	Abstain ---
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Recommendation 16

Means tested income that parents receive should not be included in the calculations.

Comments: The Council agreed in Recommendation 2 to exclude means tested income from the guidelines calculations.

VOTE:	Yes 16	No 0	Abstain ---
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Recommendation 17

Insert “Social Security Disability benefits” in the list of items in 3113.215(A)(2) the definition of gross income items *included*, and, insert in that section to the list of gross income items *excluded*, the words “means tested Veteran’s benefits and dependency benefits received by the children.”

Comments: “Gross income” includes a parent’s SSD benefit because it is an earned income and is not means tested. Conversely, Veteran’s benefits that are based on a means tested program are excluded from gross income because that benefit is directly tied to the program needs of the individual. Any Veteran’s benefits not means tested will be subject to inclusion as gross income. Children’s dependency benefits are excluded as gross income, since that income is not considered income from either parent, however, that income is treated as a credit, which proportionately benefits both parties.

VOTE:	Yes 16	No 0	Abstain ---
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Recommendation 18

Create new section in ORC 3113.215 which allows the court or agency to deduct from the annual child support obligation of an obligor any *non-means tested benefit* paid to a child or a child’s representative payee of the child due to death, disability or retirement of the parent. Such amounts shall be credited by deduction from line 17a-17c of the new worksheet. Children’s *means tested benefits*, including, but not limited to SSI, shall not be considered in determining the amount of child support.

Comments: This would allow consideration of the benefit (as income to the child) while preventing one of the parents from getting a windfall. This recommendation is consistent with McNeal vs. Cofield, 78 Ohio App-3d 35, which suggests that benefits be deducted from basic combined child support obligation.

VOTE:	Yes 16	No 0	Abstain ---
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**GUIDELINE ADVISORY COUNCIL
TEAM #5 RECOMMENDATIONS
VOTING RECORD**

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

Name of Voting Member	Recommendation Number																	
	1	2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Charles Adams	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Kim Newsom-Buckley	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Judy Chavis	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Tom Friedman	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Mark Inzetta	Y	A	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Senator Jeff Johnson	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Senator Merle Kearns	X	X	Y	Y	Y	Y	Y	Y	Y	X	X	X	Y	Y	Y	Y	Y	
Judge Cheryl Karner	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Debbie Kline	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	
Jeff Linsker	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Representative June Lucas	X	X	Y	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Mark Macke	Y	Y	A	Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Michael Manko	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Cheryl Markino	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Representative Jim Mason	Y	X	Y	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Anne McNealey	X	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Judge Robert Pollex	X	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Representative Amy Salerno	X	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Senator Richard Schafraht	Y	Y	Y	A	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Michael Smalz	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	
Margaret Wuwert	Y	A	Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

* Recommendation #3 was eliminated.

TEAM 6 - ARREARAGE

Recommendation 1

A guideline should be enacted in statute to provide a rebuttable presumption for courts and agencies in determining what payment must be made in addition to current support in order to satisfy an accumulated arrearage.

- A. Where an arrearage has accumulated under a support order for a child who is unemancipated, the guideline should require an arrearage payment of at least 20% of current support for the child, or the CCPA amount if it is less.
- B. Where an arrearage has accumulated under a support order and a child becomes emancipated, the support order should be reviewed and adjusted as if the child were not emancipated, and the revised order should be imposed as an arrearage order until the arrearage is satisfied; however, in no event should the new order be reduced from the total amount of the order that existed at the time the child became emancipated, as long as there is an outstanding arrearage.

Comments: A uniform means to liquidate arrears is needed in the guidelines. It will mean that all cases with arrearages will be addressed in a uniform manner, and the potential for support recovery on all cases will be maximized.

VOTE:	Yes 15	No 0	Abstain ---
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Recommendation 2

In any case in which a court or CSEA makes a support order retroactive from the date of filing, under applicable law, then the calculation of the retroactive support must be done in accordance with the guideline schedule and parties' income that was in effect at the time. The first set of Ohio Child Support Guidelines effective in 1987, should be utilized for any time period prior to 1987. The parties' income for any retroactive period should be documented by the best evidence available, including affidavits from the parties if no better evidence can be reasonably obtained.

When the courts and CSEAs pursue past or "retro" support in paternity cases, support must be calculated in accordance with the guidelines. *

Comments: The initial issue of retro support was referred to Team 6 because of an Action Transmittal received from the federal government indicating states must create a mandatory process in respect to retro support. Any calculating of retro support must be according to the guidelines, which will create a uniform means to deal with all cases. In the development of the child support workbook for professionals, (see Team #3 Recommendation 4) a history of the various child support guideline schedules and the accompanying worksheet should be included.

VOTE:	Yes 15	No 0	Abstain ---
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*** Note: The calculation of retro support shall be according to the party's income and the guideline tables in effect during the period(s) of time the support obligation is accumulated.**

**GUIDELINE ADVISORY COUNCIL
TEAM #6 RECOMMENDATIONS
VOTING RECORD -**

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

Name of Voting Member	Recommendation Number	
	1	2
Charles Adams	Y	Y
Kim Newsom-Buckley	Y	Y
Judy Chavis	X	X
Tom Friedman	Y	Y
Mark Inzetta	Y	Y
Senator Jeff Johnson	X	X
Senator Merle Kearns	Y	Y
Judge Cheryl Karner	Y	Y
Debbie Kline	Y	Y
Jeff Linsker	Y	Y
Representative June Lucas	Y	Y
Mark Macke	Y	Y
Michael Manko	X	X
Cheryl Markino	Y	Y
Representative Jim Mason	X	X
Anne McNealey	Y	Y
Judge Robert Pollex	X	X
Representative Amy Salerno	X	X
Senator Richard Schafrath	Y	Y
Michael Smalz	Y	Y
Margaret Wuwert	Y	Y

ADDITIONAL RECOMMENDATIONS

In the course of reviewing and voting on team recommendations, the Council identified a number of issues which were deemed substantive enough to warrant further consideration by the Council as a whole. The following recommendations came about from those discussions:

Recommendation 1

The Council should adopt a timeshare approach to the allocation of child support.

Comments: All sides of this issue were very strongly debated by the members of the Council.

Opponents of this recommendation said that the child support guidelines tables are not truly reflective of the costs of raising children, but are in fact too low. Therefore, the amount of child support awarded to residential parents is already insufficient. Further, opponents observed that most residential parents are women, who historically have had lower salaries and earning potential. Thus, they said, a child's standard of living already drops when the mother is named as the residential parent and a timeshare approach to allocation would worsen this condition. Opponents also pointed out that many nonresidential parents do not exercise visitation rights.

Those in favor of adopting a timeshare approach noted that Ohio's current guidelines, using the Income Shares model, are based upon the cost of maintaining an intact family. In such a family, the cost of raising a child would include, for example, only a single supply of food necessary to meet the child's needs, a single set of bedroom furnishings, etc.

The current guidelines do not reflect that in cases where a family is not intact, many of these costs must often be duplicated by the non-residential parent when the child spends time in that parent's home.

Under the current guidelines, the nonresidential parent is forced to "pay twice" by providing child support in addition to the out-of-pocket child rearing costs when the child is in the nonresidential parent's home.

Proponents of this recommendation argued that in their current form, the guidelines fail to recognize and encourage the value of both parents in the process of raising the child.

Faced with these circumstances, 23 other states have adjusted their child support guidelines to reflect the costs to the nonresidential parent.

VOTE:	Yes 16	No 2	Abstain ---
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Additional Recommendations

Page Two

Recommendation 1a

To accept the Ohio Parenting Time Adjustment (PTA) as the timeshare adjustment formula for child support allocations in Ohio. (See chart and table -- pages 47-48).

Comments: The Ohio Parenting Time Adjustment (PTA) provides for child support to be adjusted in recognition of the time the nonresidential parent spends with the child. The PTA affirms the inherent and acknowledged value of involvement of both parents in the upbringing of children.

The PTA was developed following a year of study which included comparisons to other states and the consideration of proposals from the Children and Parents' Rights Association (CAPRA) and from a constituent. As no studies have been done by any state showing either positive or negative effects of timeshare adjustment formulas, and the federal government has not devised a model formula, it is up to each state to make its own decisions about this important issue. Developing the PTA required some hard compromises by council members on all sides of the issue.

VOTE:	Yes 13	No 3	Abstain 1
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(See Minority Report - Attached as Exhibit H)

Further Comments:

The Council agreed that the PTA meets certain objectives which were deemed essential for any timeshare formula: fundamental fairness; simplicity of use, understandability; protection of low-income households from poverty; and justification of methodology.

The PTA meets these objectives with the following features:

■ **Justification of methodology and fundamental fairness**

- 10 percent threshold - the adjustment for timesharing does not begin until the child is with the nonresidential parent at least 10 percent of time. The council agreed that anything less than 10 percent of the time with the child is insufficient to warrant an adjustment.
- Graduated increase - the PTA is structured so that the adjustment for nonresidential parents who spend significant periods of time with their children (more than 25 percent) is greater than the adjustment for parents who spend only a moderate amount of time with their children (from 10 to 25 percent).

The Council agreed that when a child is with the nonresidential parent from 10 to 25 percent of the time, the residential parent is still providing the majority of the housing, food, transportation, and other child-rearing costs. However, when parental time is increased to more than 25 percent, the variable and fixed costs of child-rearing begin to escalate for the nonresidential parent. It is at this point that a nonresidential parent may find it necessary to have an extra bedroom for the child's use, to keep extra food on hand specifically for the child's use, etc.

- Adjustment ceiling - while recognizing that a nonresidential parent exercising parental time incurs expenses which are not reflected in the current guidelines, the Council also noted that a residential parent, providing the child's primary residence, will always have responsibility for meeting certain basic needs of the child. There are costs which the residential parent, as the primary caretaker of the child, must incur. These varying costs, including, but not limited to, housing, food, clothes, personal care items, etc., must always be maintained for the child no matter how much time is spent with either parent.

Additional Recommendations

Page Three

The Council agreed to partially account for these costs in the PTA chart. At the extreme end of the chart, a parent who has a 50% visitation schedule receives a 40% parenting time adjustment. The 20% differential partially compensates for these costs.

■ Simplicity of use, understandability

- PTA Table - The PTA provides a table for determining the adjustment percentages, as opposed to worksheet formulas which can be cumbersome and complicated. The Council defined visitation as an overnight visit.

- Minimal changes to worksheet - Only three lines would be added to the worksheet. They are: an entry from the PTA table, an entry for the PTA adjustment, and an entry for the resulting support order.

■ Protection of low-income families

In developing the PTA, the Council recognized that, if applied without exception, the formula may result in some residential parents being put below the poverty level. In order to address this issue, the Council considered a number of recommendations.

Recommendation 1b

An amendment to limit the use of the PTA to cases where the sum of the residential parent's gross income and the time-share adjusted child support payment exceed 150 percent of the federal poverty level.

VOTE:	Yes 3	No 13	Abstain ---
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Recommendation 1c

An amendment to limit the use of the PTA to cases where the sum of the residential parent's gross income and the time-share adjusted child support payment exceed 130 percent of the federal poverty level.

VOTE:	Yes 4	No 12	Abstain ---
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Recommendation 1d

A proposal to strengthen the deviation provision of the Ohio Revised Code [ORC 3113.215(3)(g)] so that it reads: "...disparity of income in households including or not limited to either individual following the application of the guidelines that makes one or both parties income fall below the poverty level." This would keep the timeshares adjustment on the schedule simple to use and allow the courts to determine the true impact of the adjustment in those situations which warrant it.

VOTE:	Yes 14	No 2	Abstain ---
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In developing the PTA formula, the Council also discussed the manner in which it should be applied, and recommended the following:

Recommendation 1e

- The timeshares adjustment should go into effect for all new child support orders that request the adjustment after the effective date of the legislation.
- Child support orders established prior to the effective date of the legislation may request a modification of their child support award if all of the following apply:
 - Have a court-ordered visitation schedule.
 - Must be current on the child support payments for the last six months and must be making arrearage payments (if applicable) for the last six months.
 - The timeshares adjustment would change the award by more than 10 percent.

VOTE:	Yes 14	No 1	Abstain 1
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Finally, the Council also discussed ways in which to expedite a modification of the child support award by either parent utilizing the administrative review and adjustment process due to non-exercise of visitation or to receive a timeshare adjustment. The Council recommended the following statutory changes:

Recommendation 1f

- Create a new reason to request a review and adjustment - non-exercise of 25 percent of visitation order over the last six months.
- Create a new reason to request a review and adjustment - meeting the required visitation parameters to receive an adjustment.
- Create a new reason to request a review and adjustment - re-establish PTA by exercising visitation 75 percent of the time over a six-month period.
- Decrease the review and adjustment timeframes governed by ORC 3113.216 (See Reduction of Time Frame chart - page 49) - Council estimates a 40- to 50-day time savings is possible.
- Wave the administrative hearing requirement for cases where no agreement is reached to go straight to a court hearing, thereby saving an estimated 30 days.

VOTE:	Yes 15	No 2	Abstain ---
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Recommendation 2

All references to *Aid for Dependent Children* should be changed to *Temporary Assistance to Needy Families*.

Comments: The Personal Responsibility and Work Opportunity Reconciliation Act made this revision necessary.

VOTE:	Yes 18	No 0	Abstain ---
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Additional Recommendations

Page Five

Recommendation 3

ODHS set up a workgroup of child support professionals to develop educational tools (such as brochures, Public Service Announcements) for both parents in regard to the application and use of Ohio's Child Support Guidelines.

Comments: There is a limited amount of information available for either parent regarding why there are guidelines, how the guidelines were developed, how the guidelines impact them, etc. This lack of information has caused confusion, mistrust of the results, and unnecessary litigation. It is felt that developing easy to understand reference materials will ease some of the problems and increase the willingness of parents to meet their part of a child support obligation.

VOTE:	Yes 18	No 0	Abstain ---
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Recommendation 4

Recommend that the filing of a Condensed Page of the worksheet satisfies the statutory requirement of filing the worksheet. The Condensed Page must have all necessary information and signatures condensed on the page. The standards required for the Condensed Page shall be prepared by ODHS for inclusion in legislation. There must be room incorporating the signatures section. (See condensed worksheet -- page 50).

Comments: Some local courts have made decisions that the filing of a condensed page of the worksheet does not suffice due to the statutory language requiring the filing of the Worksheet as prescribed in ORC 3113.215. The Council agreed that the condensed page of the Worksheet is sufficient, because all of the pertinent information is contained in the Condensed Page. This will also save filing fees for the public, because the complete worksheet is 4 pages and the condensed page is only 1. Filing fees are charged on a per page basis in many cases.

VOTE:	Yes 14	No 0	Abstain ---
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Recommendation 5

Add "commissions" to the type of income that is averaged under 1b of the worksheet. Amend section 3113.215 of the R.C. - Definition of Income (See new worksheet line 1b).

Comments: Earnings from commissions can not only fluctuate due to economic reasons, but also be manipulated by the wage earner. In order to minimize fluctuating commission earnings, the Council voted to move the determination of this type of income to line 1b under the worksheet, thereby allowing for income averaging over a three-year period.

VOTE:	Yes 12	No 2	Abstain 1
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Additional Recommendations
Page Six

Recommendation 6

Council recommends that the Statute and worksheet be clarified to reflect that where spousal support is ordered, it should be deducted from the obligor's income whether or not the exspouse is a part of this order. Change 3113.215(a)(2) first paragraph - take out "from a person not a party to support proceeding for which actual gross income is being determined". Add to second paragraph "does not include spousal support actually paid".

On line 8 of the former worksheet, delete the parenthetical statement and change the paid to "a" former spouse to paid to "any" former spouse. (See new worksheet, line 10).

On section 3113.215(B)(5)(b) delete word "former".

Comments: Currently, nonresidential parents do not receive an adjustment on spousal support paid to the ex-spouse who is the residential parent in the order being calculated. It is unfair to calculate an order on income that has already been paid to the ex-spouse.

VOTE:	Yes 12	No 3	Abstain 1
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Recommendation 7

In 3113.215(B)(2)(b), Leave the first sentence. Strikeout the remainder of the paragraph and add "THE COURT OR AGENCY SHALL FIRST COMPUTE A BASIC COMBINED CHILD SUPPORT OBLIGATION THAT IS NO LESS THAN THE SAME SUPPORT FOR THE PARENTS' COMBINED ANNUAL INCOME OF \$180,000. IF THE COURT OR AGENCY DETERMINES THAT IT WOULD BE UNJUST OR INAPPROPRIATE BASED ON THE ABOVE STANDARDS, THE COURT OR AGENCY SHALL DEVIATE AS TO THE AMOUNT AND ENTER IN THE JOURNAL THE FIGURE, DETERMINATION AND FINDINGS.

Comments: Statistically, there's no proven validity to extrapolating a child support order at the same percentage level beyond \$180,000. Therefore, the child support order should be based on case by case circumstances examining the standard of living of the parents and the needs of the children.

VOTE:	Yes 16	No 0	Abstain ---
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**GUIDELINE ADVISORY COUNCIL
ADDITIONAL RECOMMENDATIONS
VOTING RECORD**

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

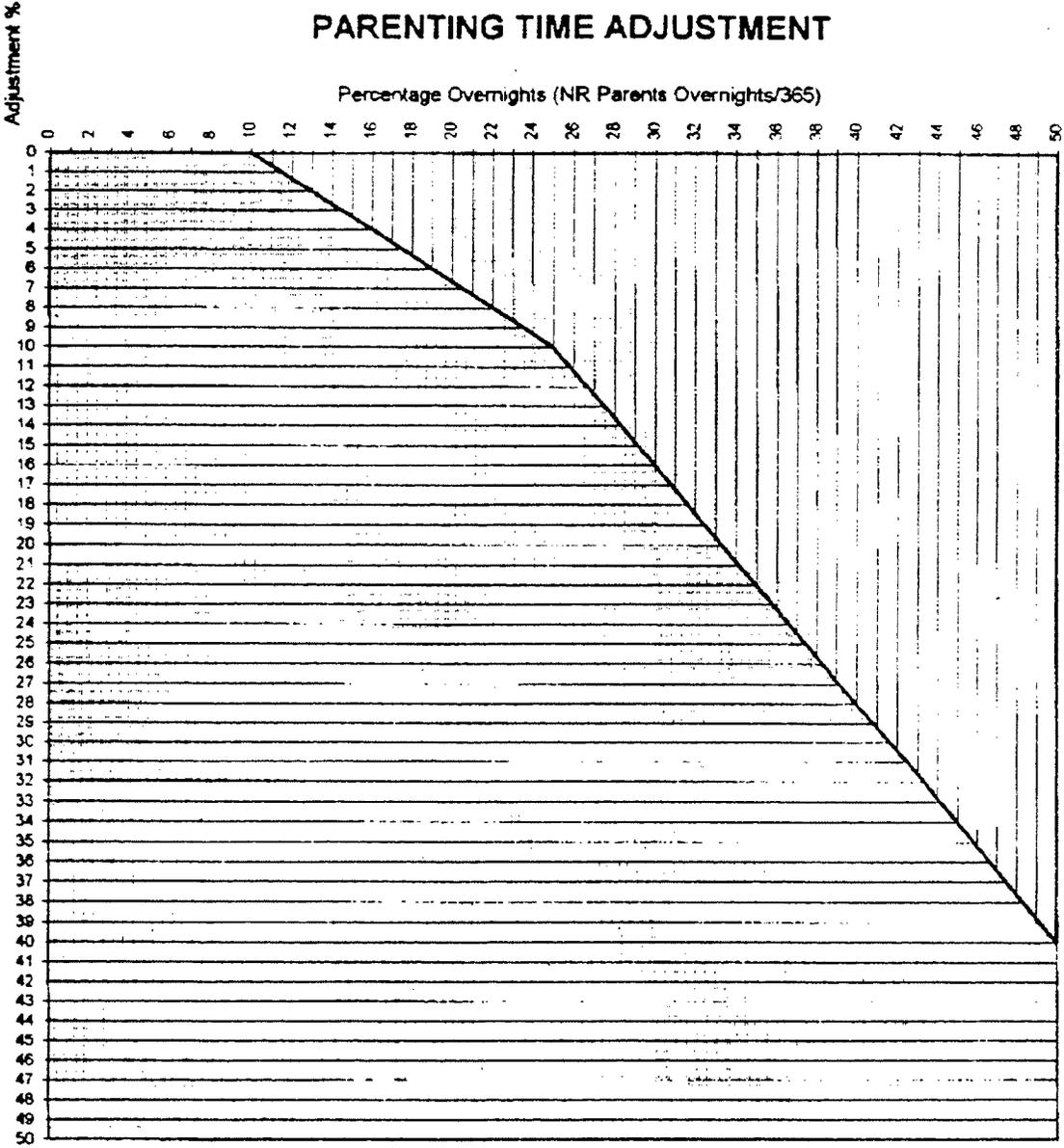
Recommendation Number

Name of Voting Member	1	1a	b	c	d	e	f	2	3	4	5	6	7
Charles Adams	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Kim Newsom-Buckley	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Judy Chavis	X	X	X	X	X	X	X	X	X	X	X	X	X
Tom Friedman	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mark Inzetta	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Senator Jeff Johnson	Y	A	N	N	Y	Y	Y	Y	Y	X	X	N	X
Senator Merle Kearns	Y	Y	N	N	Y	Y	Y	Y	Y	X	Y	Y	Y
Judge Cheryl Karner	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Debbie Kline	N	N	Y	Y	N	N	N	Y	Y	Y	N	N	Y
Jeff Linsker	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Representative June Lucas	X	N	N	Y	N	A	N	Y	Y	Y	N	N	Y
Mark Macke	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Michael Manko	X	X	X	X	X	X	X	X	X	X	X	X	X
Cheryl Markino	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Representative Jim Mason	Y	Y	X	X	X	X	Y	X	X	X	X	X	X
Anne McNealey	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Judge Robert Pollex	Y	X	X	X	X	X	X	Y	Y	X	X	X	X
Representative Amy Salerno	Y	X	X	X	X	X	X	Y	Y	X	X	X	Y
Senator Richard Schafrath	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Michael Smalz	N	N	Y	Y	Y	Y	Y	Y	Y	Y	A	A	Y
Margaret Wuwert	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y

PARENTING TIME ADJUSTMENT TABLE

Number of Overnights	Adjustment Percentage	Number of Overnights	Adjustment Percentage
2 to 5	0%	94 to 96	11.20%
6 to 8	0%	97 to 100	12.40%
9 to 12	0%	101 to 103	13.60%
13 to 16	0%	104 to 107	14.80%
17 to 19	0%	108 to 111	16.00%
20 to 23	0%	112 to 115	17.20%
24 to 27	0%	116 to 118	18.40%
28 to 30	0%	119 to 121	19.60%
31 to 34	0%	122 to 125	20.80%
35 to 38	0%	126 to 129	22.00%
39 to 41	.66%	130 to 133	23.20%
42 to 45	1.33%	134 to 136	24.40%
46 to 49	1.99%	137 to 140	25.60%
50 to 52	2.65%	141 to 144	26.80%
53 to 56	3.31%	145 to 147	28.00%
57 to 60	3.97%	148 to 151	29.20%
61 to 63	4.64%	152 to 155	30.40%
64 to 67	5.30%	156 to 158	31.60%
68 to 71	5.96%	159 to 162	32.80%
72 to 74	6.63%	163 to 166	34.00%
75 to 78	7.29%	167 to 169	35.20%
79 to 82	7.95%	170 to 173	36.40%
83 to 85	8.61%	174 to 177	37.60%
86 to 89	9.28%	178 to 180	38.80%
90 to 93	10.00%	181 to 183	40.00%

PARENTING TIME ADJUSTMENT



REDUCTION OF TIME FRAME FOR ADMINISTRATIVE REVIEW PROCESS

Step in Process	Comparison	
	Present	Proposed
Approval and notice sent	15	10
Time period until desk review complete	60 (at least)	45 (at most)
Time period to mail administrative recommendation	5	5
Time for objections (includes 3 days for mailing)≈	33	13
Time to conduct administrative hearing	15	15
Time to object to administrative hearing	15	15
Time to notify court of objection	15	15

This proposal reduces the time period for an unobjected to Administrative Review from 113 days to 73 days. A savings of approximately 40 days.

SOLE RESIDENTIAL PARENT OR SHARED PARENTING

Case No. _____ John Doe Jane Doe	Number of Children Marriage Other ____ ____ ____ ____	Payperiods ____ ____	Date: 00-00-0000																																																																																																																																																																		
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Prepared by: Counsel: _____ Pro Se: _____

(For Mother/Father)

CSEA: _____ Other: _____

Worksheet has been reviewed and agreed to:

Mother Date

Father Date