

Child Support Guidelines Advisory Committee
Minutes
Wednesday, March 19, 2025, 10 a.m. to 11:10 a.m.

Facilitator: Dawn Marquardt

Minutes: Erik Durant

Members: Erin Biencourt, Donna Brann, Kelly Evans, Luciana Fontanini, Jeremy Gibons, Martin Herbest, Christine Hill, Trena Klohe, Dawn Marquardt, Natalie Otero, Sabrina Owen, Keith Raines, Mike Ritchey, David Rivera-Vernazza, Marisa Salinas, Linda Scher, Jessica Thomas, Amanda Thorpe, and Monica Whitaker.

Guests: Jason Chappell, Michelle Chrystal, Amy Croucher, Erik Durant, Annie Engel, Marci Hamilton, Alicia Mahan, Lori Maxwell, Dan Meyers, Danielle Napier, ZiZi Owens, Alexandra Popescu, Krista Smyth, Michelle Underwood, and Lori Woltring.

Absent: Deborah Dowdle, Tabitha Fish, and Heath Hattaway.

Call to Order	Dawn Marquardt
Dawn brought the meeting to order and conducted a roll call of the members present. Ceri Villa and Shanon Sporseen from ODHS have had to stepped down from this committee. Shanon has offered to remain a resource if the committee has specific questions related to Self-Sufficiency Programs.	
Minute Review and Approval	Dawn Marquardt
The minutes were approved without any edits. They will be posted on the public website. Dawn noted that the workgroups decided to share their meeting minutes with this larger group going forward.	
Income Disparities Between Child’s Households (continued from last meeting)	Keith Raines
Keith introduced his proposal to the group. Are we trying to make sure that parents don't get upset because they have to pay support for their children or are we more concerned with making sure that children's needs are being met? If our focus is to try to make sure that children are well cared for in both households, his proposal would simply try to provide a little bit less income disparity by taking the difference between the household incomes and adding something to the support calculator so the amount paid is more reasonable.	
Dawn noted that the goal of the guidelines review isn’t to not have parents paying support. It is to have appropriate orders for the children based on the circumstances. Keith added that in the Parenting Time workgroup yesterday, the topic came up of creating a zero order when one parent has primary parenting time with the child.	
Amanda noted that she thinks there is a difference between providing for the children and trying to equalize the households. There can be a disparity between households when one parent has the resources to provide dance classes or a separate room for siblings. However, would it be better addressed with a rebuttal than an equalizer? She doesn’t think a sweeping change is appropriate. Jessica agreed with the use of rebuttals and expressed concern about abuse of the system by people choosing not to work.	

Mike pointed out that he understands the point Keith is trying to make, but the underlying premise of the economic study on which the guidelines was based is to apportion the amount of money that an intact family would spend to support a child based on the parents' income shares. Adding on a supplemental calculator to increase the amount of support is better handled with a rebuttal. Routinely, trying to equalize the support between the two households does more than support their joint child. It ends up supporting the new spouse and any non-joint children that happen to live in the other party's household as well, which is beyond the scope of our guidelines. If you have situations where the calculated amount is unjust or inappropriate, there's already a mechanism for addressing that.

Linda disagreed and noted that Keith is observing a consistently unfair result that happens when there's a big disparity between parents, particularly when there's a close sharing of time. If you look at the presumed amounts that come out in his examples, it's a very small amount of support that the parents receive, given the parents' ability to pay. It's addressing a glaring problem of the system, and she doesn't think it's a rebuttal issue. For these examples that he's given, the presumed support amount is not a significant amount of money when you look at the person's income. She supports Keith's proposal. It is a mild adjustment and brings the child support to a fairer level.

Keith added that if his proposal doesn't move forward, if the disparity of income between the parents is specifically articulated as a rebuttal factor, that's better than what we have right now.

Jeremy added in the chat that the court has authority to consider non-enumerated economic factors that are relevant to the needs of the child, but factors that are part of the formula for determining the presumed amount, such as the income of the parties, may not be the basis for rebutting the presumed amount.

Chris noted that if parents are informed that 50/50 parenting time often leads to no support being ordered, that may make one parent try to obtain more parenting time to avoid paying support. If they saw that income is still going to be involved a bit more, it would affect the best interest of the child overall, so she supports this being a factor in some way.

Luciana clarified that the discussion yesterday about potentially ordering zero in some circumstances is when the parent with the majority of the parenting time is also being ordered to pay support and considering defaulting to zero in that scenario, unless the person with less parenting time is actively wanting the support. Keith mentioned a rebuttal factor that articulates this, and Linda talked about making the support amount fairer. What are we using to say that the current guideline is unfair? If we can articulate that and try to pinpoint what that is, it'd be easier to write something into a rule.

Keith added that the idea that a parent actually starts to exercise their parent time means this plan would actually improve the child's situation by having two parents in their life rather than just one. The Court of Appeals says that this is not a rebuttal factor, so if we put a rebuttal factor in, that will take care of the Court of Appeals case. With respect to when this kicks in, if it is a rebuttal factor, it will be up to the court or administrative agency to decide.

Jeremy shared that if we add on a new fairness module to the calculator, it becomes more complex and more difficult to implement. One of the primary goals of our guidelines review

is that it be simple to administer and understand. If the guideline formula that we have now is producing substantively unfair outcomes, the first question to ask is not "What can we add on to it?" but "What's it doing wrong?" Also, one of the purposes that the parenting time curve we have now serves is to make sure there's no incentive for people to litigate over a few overnights of parenting time since the change in the support obligation is going to be very small. If you change the formula so that it incentivizes reaching certain levels of parenting time, parents will litigate endlessly over those few days of time because it would benefit them financially.

Linda appreciated Jeremy's comments and noted that it is worth looking at what is wrong with it because she thinks it is wrong. It does come out badly in a large income disparity situation, particularly when there's closer time sharing. It doesn't have to only apply to 50/50 parenting time. Also, the presumed amount is the amount that's ordered in almost all cases. Arguing a rebuttal is difficult, so solving things with rebuttals doesn't work when there's a pattern of unfair results.

Kelly noted that only a few members of the committee may actually understand the math behind the formulas but came up with the idea that the formula is fair as much as it can be for everybody. Across the board, it's relatively fair, and we address the situations where it's not fair with rebuttal factors, which most judges don't want to deal with. The majority of cases are based on the presumption of the correct number coming out of the formula. The list of rebuttal factors isn't exhaustive, and the court can come up with other factors they deem appropriate. If we're going to make any changes, which Kelly isn't sure we need to do, we probably need to explain why we're doing it. That said, he doesn't know what the real-life impact will be, if any, and is in favor of keeping the status quo.

Keith noted that there is tremendous pressure on judges to give 50/50 parenting time. Judges have to make written findings if they don't order it when a party asks for it. There is currently a bill going through the legislature that presumes 50/50 parenting time without written filings.

Trena added to the chat that she wonders if we could measure income disparities "objectively" based on whether the parents are in different tax brackets. Jessica also shared in the chat that increasing parenting time for one parent who only is doing it to not pay is not necessarily better for the child. The parent who is only asking for more parenting time to not pay child support means it's unlikely to be quality time or even could cause serious emotional and behavior issues with the kids.

Marisa requested that committee members use more plain language so that everyone participating can better follow the conversation. Dawn thanked Marisa for the reminder and noted that these meetings are recorded for the public to watch.

In the chat, Keith encouraged those members who have strong feelings about 50/50 parenting time to share their lived experience with their legislators right away. Dawn advised that after the meeting, we would share links for committee members to better understand the legislative process and to submit testimony for bills in the current legislative session.

Case Data Report	Luciana Fontanini Annie Engel
<p>Luciana displayed the Case Data Report and shared that the report is available on the Guidelines Advisory Committee page on the Oregon Child Support Program website. When reviewing the guidelines, federal law requires us to consider how the guidelines are actually being used on real-life cases. Several program employees worked together to come up with a way to find cases with orders run by the program and orders run through the courts and to look at those factors we're required to look at, which resulted in this report.</p> <p>The report is broken out into sections that include the following five components that should be considered: compliance, rate of default, self-support reserve, rebuttals, and use of minimum wage (imputed income).</p> <p>From a sample of about 360 cases, they looked at those five components, comparing orders that originated in the court system and orders that originated through our program (or hearings orders). They also looked at urban versus rural divides but noticed that most of the orders were from urban counties and that there was very little difference between the two.</p> <p>In terms of compliance, they looked at a one-year block of time and identified cases where any amount of payment was made after the order was entered. In general, these orders were entered between July of 2023 and June of 2024, and we looked at payments through August of 2024.</p> <p>Annie walked the group through four graphs. The first graph showed how parenting time affected the compliance rate. The majority of cases from the sample have 0% parenting time, but there was a slight increase in compliance when there was some level of parenting time. Luciana added that overall, there was about an 80% compliance rate among all cases in general, so you can use that figure to see if the specific compliance rates are higher or lower than the average across the whole sample of cases.</p> <p>The next graph showed how compliance changes depending on the total number of joint children. The majority of cases had just one joint child. They were all around 80% compliance regardless of the number of joint children, which matched the compliance rate of the overall sample.</p> <p>The third graph shows how the income group of the paying parent affected compliance. They separated the self-support reserve and lowest minimum wage. Luciana explained the self-support reserve, which is based on the federal poverty guideline. Annie noted that the least amount of cases sat in the self-support reserve and the most amount of cases sat at potential minimum wage. Otherwise, there is an upward trend of compliance as income increases, which would be expected.</p> <p>The last graph showed how the court ordered amount impacted compliance. If you group the graph into four separate pieces, there is an upward trend, which may mean we need to break up the groups differently or look at other variables.</p> <p>Chris asked if the payment received could have come from a tax intercept or other non-voluntary source. Annie confirmed and noted that in the future, they would like to look at the</p>	

source of the payment when considering compliance. Luciana added that the program received about 70% of payments through income withholding.

When originally comparing new orders with modifications, it looked like compliance was notably higher for modifications. However, when digging into case specifics, there were several orders that either went to or from zero dollars, which caused the data to be skewed. When they took those orders out, they were much closer to the compliance rate of new orders.

Luciana noted that looking at data on family violence indicators did not tell them much as there weren't a lot of cases where a participant expressed safety concerns. Also, they couldn't draw helpful conclusions for health care coverage because they only looked at what was ordered and not what was being provided.

Jeremy suggested in the chat that it might help to represent the charts in percent, with the total n for each category separately listed. The bars following n with %s noted is a little disorienting. Annie appreciated the recommendation.

Trena noted in the chat they even if parents are consistent with making payments since they come from income withholding, it doesn't mean they are happy to do so. Dawn noted that while most paying parents don't switch jobs or take jobs for non-traditional employers to avoid income withholding, that does happen sometimes. The program did pass a bill to require employers to report the hiring of independent contractors to try to catch some of those additional situations.

Keith pointed out that 80% compliance is important to highlight. Dawn reminded the group that this figure is higher in part because of how we have defined compliance for the report. Krista shared in the chat that the actual compliance rate for payment of current support in the month it is due across the program is 63.4%.

Workgroup Updates (Health Care Coverage & Child Care Costs, Income, Parenting Time Credit)	Workgroup Representatives
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Health Care Coverage & Child Care Costs:

Alicia provided a recap of the most recent meeting. The workgroup ran through a guidelines calculation and discussed the impact of the reasonable in cost cap. There was a discussion of the current percentage the cap is calculated at and some different approaches that we've historically taken. Currently, we look at it from a combined reasonable in cost cap, which allows more parties to have health insurance through employers. However, it butted up with discussions last month of private versus public health care coverage and whether continuing to consider the need for a higher cap is still necessary. The group will continue discussions about that.

They also talked about cash medical, including the federal and statutory requirements and the program's current approach. The group had a lot of dialogue around wanting to make the direction in the public calculator a little more user-friendly for the public.

For the next meeting, there were requests to continue to have discussions around the reasonable in cost cap and to start discussing additional healthcare costs like dental, vision, mental health, and prescriptions.
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Keith asked if the group is discussing the high-deductible insurance coupled with an HSA, which gives a parent tax advantage. Alicia and Alexandra noted that it can be added to the agenda for the next meeting.

Income:

Luciana noted that the minutes for the Income workgroup's last meeting were in the agenda email. The group started conversations focused on the use of potential income and imputed income in the current guideline rule. Krista shared some data about general hours worked nationally and what resources we can access to see that information. When we don't have enough information about a parent's income circumstances, we impute full-time minimum wage, and this data showed that that's not necessarily the average hours worked by most people.

The group also looked at the number of cases that have parents receiving public assistance versus cases where parents are not. We want to consider what kind of income to use for parents on TANF. We found that 13% of cases were current assistance cases where a parent is currently receiving TANF with the children, 56% were former assistance cases, and 30% were never assistance cases. The group discussed potential income, trying to articulate what problem we're solving. The group keeps gravitating towards what income to use for a parent receiving TANF, which is where they will focus on their energy on next meeting. Jeremy asked if we are uncomfortable using full-time minimum wage for a parent on TANF, what would we replace it with.

Parenting Time Credit:

Lori advised that the workgroup met yesterday and discussed the time-sharing adjustment, the blocks of time, and what constitutes an overnight or a half-day. They looked at how some other states handle parenting time, and the Tennessee model seemed like one that is similar to what the group wants to follow. They also discussed not making the rule so restrictive and to allow the fact finder to be more flexible. They went through the recommendations from the policy paper to see what everyone's initial thoughts were.

For Lori, the main takeaways were that major changes are probably not necessary, and any recommendation would be to just clarify the rule. The group will try to have some proposed rule language ready at the next meeting.

Round Table

All

Keith brought up that there is some case law that suggests that a non-custodial parent could be required to provide life insurance. There is a statute that says life insurance is required just to cover the projected amount of child support that would be remaining in case of death, but there is a case that says the court has the authority to require more life insurance if the child support award is low or \$0 (such as when there is 50/50 parenting time). Dawn responded that life insurance isn't something that the program currently would establish or enforce and might be beyond the scope of the guidelines review, but we can look into what the conflict is.

Linda wanted to remind the group of two action items from the last meeting. The first is that a link regarding child attending school information be added to the annual notice, and the second is that there will be some discussion about guidance when both parents should be

ordered to pay child support for a child attending school. She knows that the program doesn't initiate ordering support from both parents in that situation, but she would like to see some guidance for parents. Dawn noted that we have the annual notice tracked to look at updates to that form, so we will look at adding it in at that time. As for the child attending school guidance, we were potentially looking at adding it to rule commentary and maybe the child attending school webpage.

David asked about the possibilities of paying future child support months or years in advance. Some parents work jobs that pay large lump sums at a time, and parents might want to pay 10 years in advance. Dawn responded that child support orders are subject to modification, and the amount of support ordered could go up or down at any point. The program also has federal regulations about disbursing child support payments within certain time periods. Mike added that the program does have statutory authority in some cases where a paying parent has paid too much to either refund the money or use it to offset future support, but that is when we have paid too much money to the receiving parent. We don't have a systematic way on a broad scale to bank 10 years of support for 1,000 different people and then disburse the court ordered amount to each receiving parent each month. We do it on a small scale when we find out someone who has never paid is entitled to an inheritance. Sometimes we can persuade the court to give us the inheritance, and we'll use it to pay their future support.

Michelle Underwood noted in the chat that it might be helpful for someone in that situation to establish an annuity using that lump sum that will issue the monthly amount out of the funds. They would also have income from the interest on that account.

Keith noted a specific situation in the chat where someone makes a double payment in a good income month but misses a payment the following month. It will show them as a non-payer in the second month despite paying double the first month and could lead to potential enforcement action on their case. Is there a way to fix that? Krista responded that if a parent is current on payments, the extra payment will hold over to the next month.