

**Child Support Guidelines Advisory Committee**  
**Minutes**  
**Wednesday, May 21, 2025, 10 a.m. to 11:30 a.m.**

**Facilitator:** Dawn Marquardt

**Minutes:** Erik Durant

**Members:** Erin Biencourt, 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, Linda Scher, Amanda Thorpe, and Monica Whitaker.

**Guests:** Amy Croucher, Erik Durant, Annie Engel, Marci Hamilton, Alicia Mahan, Dan Meyers, Danielle Napier, Alexandra Popescu, Charlene St. Jules, Michelle Underwood, and Lori Woltring.

**Absent:** Donna Brann, Tabitha Fish, Heath Hattaway, Marisa Salinas, and Jessica Thomas.

<b>Call to Order</b>	<b>Dawn Marquardt</b>
Dawn brought the meeting to order and conducted a roll call of the members present.	
<b>Minute Review and Approval</b>	<b>Dawn Marquardt</b>
The minutes were approved without further edits. They will be posted on the public website.	
<b>Parenting Time and the Minimum Order</b>	<b>Lori Woltring</b>
<p>Lori explained that this topic was first discussed in the Parenting Time Credit workgroup, but they decided it needed to be discussed with the larger group.</p> <p>The question is whether there should be an exception to imposing the \$100 minimum order whenever there is parenting time in the order. Lori ran a simple calculation to show where it comes into play in the worksheets, which she displayed for the group. The example calculation had parents with similar incomes, two children, and a 55/45% parenting time split. It resulted in the paying parent paying \$81, which would be bumped up to the \$100 minimum order. In other examples, even with nearly 50/50 parenting time, the amount (before bumping up to \$100) was even lower.</p> <p>Do we want to continue with the status quo that 50/50 parenting time is the only exception, or do we want to say, like other states do, that the minimum order does not apply when there is any amount of parenting time? Or do we want to add a threshold for the exception, such as any parenting time above 40%? Previously, Jeremy voiced his opinion that he is in favor of not including the minimum order when any parenting time is applied.</p> <p>In the chat, Trena asked how the sample calculations work out for parents who are above but really close to minimum wage. Lori advised that she doesn't have any examples of that situation but could run some to see.</p> <p>Mike added that he can see the merit of not using a minimum order if they're within a certain range, such as above 40%. However, he does not understand the rationale for not having a minimum order when you have a very minimal amount of parenting time (for instance, one overnight). Is this issue substantially minimized if we reduce the minimum order so that the mathematical amount will exceed a small minimum order amount?</p>	

Lucci noted to Trena's point, this might feel more difficult when they are very close to the self-support reserve or below. Right now, the minimum order is the only thing that's requiring very low-income parents to pay anything because otherwise the self-support reserve wipes out any obligation. With one overnight or another low amount, they won't have any obligation if we eliminated the minimum order. Lucci suggested that the Income workgroup might need to decide on the minimum order first. If we don't know what our minimum order will be, it will be harder for us to decide whether it should apply to parenting time. The Income workgroup is set to discuss minimum orders at their June meeting. They can then share those decisions with the Parenting Time Credit workgroup or the larger group. Lori suggested bringing it back to the larger group as it affects more than just parenting time.

Trena expressed concerns about an exception to the minimum order for any amount of parenting time, specifically citing possible conflicts with abusive noncustodial parents who will fight just to get one overnight. Mike advised that he had the same thought. It might cause more fights between parents. He also thinks it's premature to make decisions if we don't know how much the minimum order will be. Dawn questioned if fighting for one overnight would be an extreme outlier but agreed that we don't want to create an incentive to litigate parenting time, especially if it is just about getting it on paper and not meaningful time with the children. Chris added that Oregon Judicial Department (OJD) sees parents with very limited parenting time, particularly when they are out of state or out of the area.

**Action Item**

- The Income workgroup will decide on the minimum order and bring the topic back to the larger Guidelines Advisory Committee meeting next month if a decision was made.

**Income Disparities Between Child's Households**

**Luciana Fontanini**

Lucci advised that she was asked to come up with scenarios to continue the discussion on income disparities. She explained that she has struggled with identifying the problem we're trying to solve; we need to articulate what specifically is unfair about the result.

She displayed a spreadsheet with several scenarios that show different percentages of income between the parents and different parenting time percentages and how that affects the child support obligation. The spreadsheet reflected both the current scale and the updated scale and the impact of Keith's Delta adjustment.

After running these calculations, Lucci still isn't clear about the problem that needs to be solved. With the really high income levels, there is a big difference between the paying parent and a low-income parent, so it is a huge number added onto the child support obligation, exceeding the basic support obligation. The difference is less extreme at lower income levels but is still high. It doesn't feel like a child support issue.

Keith noted that the purpose of child support is to make sure the child is well cared for. If they are not being well cared for simply because of economics, that's not fair to the child. Lucci responded that the Delta adjustment is bringing the support amount well above what the obligation scale determined appropriate based on the parents' incomes. Is the argument that the scale doesn't address the child's needs? Dawn added that a child can be well-cared for in both a low-income and high-income household. "Standard of living" is different than being well cared for.

Linda added that she thinks it could be solved by adjusting the scale so that it reflects that the combined income of the parents creates a higher expectation of a lifestyle that the child can experience. Either way, it feels like there's a large disparity between high-income parents and low-income parents in the way the calculation currently works.

Mike noted that the updated calculation amounts in the examples shown seem more than adequate to support a child. They may not be living the same lifestyle that they would have in the higher earning parent's house. The goal of the guidelines is not to equate the income of the households. Per ORS 25.502, the parents are supposed to contribute proportionally to supporting the child. Additionally, there is a presumption that the guidelines produce a fair and appropriate amount. Adding on the supplemental calculations seems like a way to take advantage of a rebuttal without having to go through the exercise of applying a rebuttal.

Amanda shared some data from the 2023 census she found about average income levels in Oregon. The top 20% earn at least \$258,000 per year, while the bottom 20% make \$16,500 or less. 57% of jobs in Oregon pay less than \$30 per hour. Washington County registered one of the highest incomes, followed by other Portland Metro areas. The example scenarios considered much higher incomes. Looking at the examples Lucci shared, it does seem like the really high-income parents are not paying in proportion to their incomes. If there is anything wrong in the calculation, it is in the underlying calculation and probably not this disparity adjustment.

Chris noted that there are ways to make up for changes in lifestyle when parties were married, but a lot of the cases that come through OJD are for unmarried couples, and in those cases, a lot of the families were never living under the same roof to begin with and didn't experience the same lifestyle. We might be trying to solve a relatively specific problem by adjusting a whole system.

Mike asked if there is a minimum disparity that would trigger this supplemental calculation or is it any disparity. Keith suggested it would be a minimum, such as \$20,000. Lucci noted that a \$20,000 difference can be more significant depending on the actual income levels (\$20,000 vs \$0 as opposed to \$120,000 vs \$100,000).

Michelle Underwood noted in the chat that it is better to use a ratio or percentage than an amount.

Linda expressed her strong support of the Delta adjustment, noting that it isn't just about the people the child support program sees. These affect people that don't go through the program and that might not even use an attorney. The low-income parent in these scenarios might not have the resources to seek spousal support in a lot of instances. It is an injustice to low-income parents when the other parent has the ability to help the child's standard of living significantly with just a very small percentage of their income. Linda would like to see it addressed either through the scale or through an adjustment.

In the chat, Kelly noted that there are many rebuttal factors that could apply to that scenario. Mike also suggested that we could update what is currently for the *extraordinary or diminished needs of a child* to simply say it is for the needs of a child. That way, it would be easier to find the current amount doesn't adequately address the needs of the child because the child is not living the same lifestyle that they would in the higher parent's household.

Keith responded that that might help, but the court needs to find a really substantial reason to deviate from the guidelines and use a rebuttal. He doesn't think we can rely on rebuttals, especially for self-represented parties.

Martin added that we used to have a multiplier that we would use for parenting time, which was supposed to help address some of the income disparity issues, but we found that it caused a lot of issues in other ways. If we decide on an option to address income disparities, we need to do a lot of testing to avoid unintended consequences somewhere else.

Dawn asked the committee members if they wanted to vote on this issue. Lucci and Amanda both supported a vote to decide whether we continue to talk about the issue or lay it to rest. Amanda noted if the vote is close, we can decide to continue the conversation. Keith suggested that we bifurcate the issue and vote on whether we want to try using a different or expanded scale or whether we want to try to even out income some other way. He noted that it sounds like updating the scale doesn't have enough support from the group. Mike agreed, noting that the program already paid to have the scale updated. Virtually every state's scale is based on either the Betson or Rothbarth economic study—or a combination of both—and those studies have determined the average amounts parents at different income levels spend on their children. Those amounts have been incorporated into the scale and apportioned between the parents based on their income. Adjusting the scale to deviate from the underlying economic studies seems hard to justify. Given the number of members absent today, Dawn suggested that a vote be organized by email, to which no one objected. She asked the Policy Team to assist with crafting the question for the vote.

**Action Item**

- The Policy Team will work with Dawn to put together an email vote on the topic, which will go out to committee members prior to the next meeting.

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

**Workgroup Representatives**

**Health Care Coverage & Child Care Costs:**

Alex shared that one of the recommendations from the workgroup is to no longer prioritize private health care coverage over public coverage. The group also discussed the option of including dental, vision, prescription drugs, and mental health in the medical support guideline and ultimately landed on not moving forward with that option. Instead, they recommend expanding the commentary pending additional research. The group researched Oregon Health Plan (OHP) coverage and whether private health care coverage impacts OHP coverage and eligibility. They confirmed that private healthcare coverage does not impact OHP eligibility. If both exist, providers will bill private Insurance first and OHP second. They learned that OHP includes checkups, vaccinations, mental health care, tooth fillings, glasses, and prescriptions, which highlighted even more that Option #3 identified in the policy paper isn't needed. Clarifying the rule commentary is more appropriate.

The group also discussed Option #4 in the policy paper about changing the 4% cap. The group tentatively agreed to not propose any changes pending their review of the rule and commentary updates. Alex plans on working on those updates this month and will circulate them to the workgroup to review.

In the last Guidelines Advisory Committee meeting, Keith brought up the issue of health savings accounts (HSAs) and the tax advantage that parents with HSAs might have. While there might be a tax advantage for these parents, it would be difficult to quantify. If a parent can quantify it and can provide evidence, this could be addressed with a rebuttal. The group will look into clarifying commentary about this issue as well.

In the May workgroup meeting, the group discussed OJD's self-help forms that self-represented parties use are not always in plain language. Is there anything we can do about that as part of this committee? Alex talked to Chris, who agreed to join the Health Care Coverage and Child Care Costs workgroup meeting in June to discuss this topic. The June meeting will also focus on running calculations using the updated calculator and having the draft rule and commentary language ready for final review. In July, they hope to begin tackling the child care costs topic. Dawn noted the importance of educating the courts, members of the Oregon State Bar, and even parents about the changes to the guidelines. Partnering with OJD for training will be especially important. As we update our program forms, we will want practitioners to know to update their forms as well.

With respect to plain language, Dawn advised some of the forms deal with complicated legal topics and are hard to update with plain language. Still, we try to review and update them as best we can. OJD has their own forms process, but we can provide input on that if needed. Mike noted that he's participated in multiple OJD form change processes and it can be a long-term process if it is just a suggestion to improve a form. If the law changes, which would include a guideline change, they can make it happen rather quickly. What is considered plain language is often quite subjective.

**Income:**

Lucci noted that the email with this meeting's agenda included both the April and May workgroup meeting minutes.

In April, the group discussed how to allege income for a parent who is currently receiving TANF. Surveys we conducted both internally and with outside stakeholders showed that our current rule requiring the use of the lowest full-time minimum wage for a parent receiving TANF didn't make sense anymore. The group discussed different options and settled on mirroring the income of the paying parent for the receiving parent and suggested running through scenarios and calculations. After running about 250 calculations, Lucci found that a mirrored calculation didn't give them the outcomes they wanted, which was lowering the total percentage of income for low-income paying parents. For lower-income paying parents, it created higher child support amounts (at higher percentages of their income), but for higher-income parents, it lowered it. The group agreed to run additional calculations for the other options discussed and circle back after addressing workgroup issues that apply in more cases.

The group still needed to discuss alleging income when there is no income information for a parent, the minimum order, and the self-support reserve. The group agreed to look at the minimum order next. Sabrina is looking at what other states do for minimum orders, and Lucci and Annie are going through the data sample to look at trends related to the minimum order. After discussing the topic at the workgroup meeting in June, Lucci will bring it back to the larger group to discuss how it influences the parenting time discussion.

Mike asked if the workgroup discussed changing the rule that says if there's insufficient information, you must use full-time minimum wage to say the judge or case manager can use a different amount. Lucci responded that the group hasn't discussed this topic much yet. They agree we need to use more consistent language throughout the rule, but they haven't had very deep conversation about it yet.

**Parenting Time Credit:**

Lori noted that the workgroup wrapped up last month but agreed to leave future meetings on the calendar in case they needed to revisit anything. She sent out the proposed rules yesterday for review and is awaiting feedback from the group. Next, she will work on putting together all the recommendations and sending that out for review.

**Round Table**

**All**

Dawn shared that this will be Linda's last meeting and thanked her for not only serving on the committee but also for all the families she has helped in her career. The group is grateful for the input she provided.

Keith brought up a case where they were trying to figure out someone's income. He had essentially sold his business to his girlfriend and then worked as an employee at \$10 an hour for the girlfriend part time. He tried to calculate his income based on his lifestyle—he owned a nice house, a nice car, and was going to Mexico twice a year. They tried basing his income on what his expenditures were but got reversed by the Court of Appeals, saying that wasn't good enough income information. The mom followed him to different work sites, and they subpoenaed those people to come and testify that he did all the work and was in charge of everything. He ended up paying a lot more child support than what he appealed, but the problem is that she had to do all this work. Maybe there should be a rebuttal factor that the courts can look at someone's lifestyle to ascertain what a person's income might be?

Lucci noted that the lifestyle question is something that could be discussed with the Income workgroup. David noted that it might be hard to estimate income based on lifestyle because someone with more financial literacy can do more with less money than someone who isn't as financially literate. Chris supported language changes. Mike suggested adding a provision to our current income rule about how to determine income to include social media evidence and lifestyle information provided by the other parent. Amanda noted that a lot of contractors and self-employed people now get paid through Venmo, Cash App, and Zelle. We aren't capturing enough of that income. However, some people live off of their new spouse, so we would need to be careful about how we're determining income through their lifestyle.