



# PACE

Parents And Children for Equality



## EXPOSING THE PROBLEMS WITH THE 2005 OHIO CHILD SUPPORT GUIDELINES COUNCIL RECOMMENDATIONS

The 2005 Ohio Child Support Guidelines Council has completed its work and made its recommendations. These are available on line at <http://ifs.ohio.gov/csguidelines/>. PACE's primary focus is on advancing children's welfare by promoting shared parenting and helping to ensure every child's right to a full parent/child relation with *both* parents regardless of the marital status of the parents. We are concerned with child support policies when those policies threaten these goals. Unfortunately, some of the recommendations of the current Ohio Guidelines Council are at odds with the objective of promoting the involvement of all fit parents in their children's lives.

We ask you to contact your legislators to object to the main recommendations of the Guidelines Council. Below are some issues that may be useful to discuss in your letters and phone calls. Please be sure to be polite and respectful. Many legislators will be initially inclined toward these recommendations because they appear to be aimed at helping children. Part of our job is to educate legislators about the real, likely effects of these proposals.

PACE opposes the recommendations of the 2005 Ohio Child Support Guidelines Council on the following grounds:

1. **Large, sometime enormous, increases in child support tables without a sound economic basis:** The recommendations include huge raises in the estimates of costs of raising children. The increases differ for different incomes and numbers of children but they range as high as 89% and for many will be 30% or more. The largest increases are at the lowest income levels. While more money for children is seldom a bad thing, the effects of these proposed recommendations will be disastrous for many children.

The Federal Office of Child Support Enforcement reports: "A total of \$70,732,554,148 is owed in arrears. Of this, 70 percent is owed by noncustodial parents who show no quarterly earnings (42%) or have annual earnings of less than \$10,000 (28%)." (Report available at: <http://www.acf.dhhs.gov/programs/cse/pol/DCL/2004/dcl-04-28a.pdf>). This debt is uncollectible. Raising child support tables, as the Ohio Guidelines Council proposes—especially for those in the lowest income ranges—will only force more parents into poverty, the underground economy, or jail. This does not help children.

"Shouldn't the child support tables go up? After all, they haven't been raised since 1992 and we all know that it costs more now to raise a child than it did in 1992." You're likely to hear this response. But it is based on a serious misunderstanding. The child support tables are based on the parents' income. That means, as inflation occurs, parents with the same standard of living will be paying more child support because their incomes have risen and they are in a higher income bracket. To say that the tables should go up to reflect inflation is to assume that parents earning \$40,000 in 2005 are spending a higher *percentage* of their income on their children than parents earning exactly the same amount in 1992 did on theirs. These proposals assume that parents are spending a *much* higher percentage of their income on their children than they did in 1992—sometimes as much as 89% more. There is no reason to believe that this is true. To raise child support tables because of inflation is exactly the same as raising the tax *rate* as inflation goes up. Would you buy the argument that we should raise the income, property and sales tax *rates* as inflation goes up? After all, it costs more for government to do its business these days that it did in 1992. That would be a ridiculous argument. So is the, "child costs have gone up so child support tables should go up" argument.

2. **Inadequate Parenting Time Adjustment:** The current Ohio Child Support Guidelines presume that 100% of child expenses occur in the residential parent's home—that the nonresidential parent does not spend even a dollar directly supporting his/her children. This is, as study after study has shown, just plain false. The previous two Ohio Child Support Guidelines Councils proposed very significant parenting time adjustments (PTAs) to correct for this flaw in Ohio's guidelines. The 2005 Council's recommendations include a proposal for a parenting time adjustment, too. However, it is paltry and inadequate; and, it is based on flawed arithmetic.

The proposed PTA would reduce an obligor's child support from the newly proposed, highly inflated level by 8.75%. How did it arrive at 8.75%? Here's how: it assumed that the average nonresidential parent has his/her children for 25% of the time; it

assumed that 35% of child costs “travel with the child”; so, it calculated 25% of 35% and got 8.75%. Then, it applied this percentage of the nonresidential parent’s portion of the child support obligation as a credit for nonresidential parents exercising standard parenting time. What’s wrong with this? Several things:

- It completely ignores nonresidential parents’ expenses on “fixed, duplicated costs”. These are costs like extra housing space, beds, desks, toys, utilities and so forth that are necessary in the nonresidential parent’s home if he or she is to be a part of the children’s lives. These fixed, duplicated costs are counted 100% when they are incurred by the residential parent. They are not counted *at all* when they are incurred by the nonresidential parent.
- Even with respect to the costs that “travel with the child”, the proposal makes a crude, mathematical error. What the nonresidential parent should get as a credit for his or her portion of these expenses is 8.75% of the *total, combined* child support obligation—not just 8.75% of his or her portion of this obligation. This is simple math. It is the total, combined child support obligation that estimates expenses on children. If 35% of this moves with the child and the child is with the nonresidential parent 25% of the time, that parent’s share is 8.75% of the total, combined obligation—not just of his or her portion of it. But despite the fact that this is simple math, it eluded the 2005 Ohio Child Support Guidelines Council.
- Finally, even this weak parenting time adjustment will not be available in any case where the residential parent is not employed. It will not be available in many cases where the residential parent is employed part-time or even full-time but doesn’t earn much money.

3. **No Correction of the “Shared Parenting Problem”:** Under current Ohio law, parents who are truly sharing in the raising of their children are forced to use the same child support worksheet as is used in cases where one parent has no relationship with, or expenses on, his or her children at all. That worksheet forces the court or Child Support Enforcement Agency to treat one parent as if he or she is a sole custodian and the other as if he or she has no expenses on the child. The decision of which parent to treat which way has enormous effects: the child support obligation of a residential parent is presumed to be expended directly on the children and is not to become part of a child support order; the child support obligation of a nonresidential parent is presumed to be owed to the other parent. So, parents who have equal incomes and equal expenses are treated very unequally by the current system. Despite this, the worksheet does not indicate how a court is to decide *which* parent to treat as a residential parent and which to treat as a nonresidential parent. The 2005 Guidelines Council was presented with an analysis of this problem and a proposal for resolving it. Resolving it is a crucial step toward making Ohio safe for equal shared parenting, something that is vital for promoting the interests of children. Unfortunately, the Council chose to ignore—not even to vote on—this proposal. Their proposals would leave Ohio law as bad as it currently is for true shared parenting cases—worse, really, because the increase in the tables will make it even harder for obligors in this situation to pay for their children directly.
4. **No definition of ‘Child Support’:** There is currently no definition of ‘child support’ in the Ohio Revised Code. Nothing specifies that child support payments are expected to cover. Defining ‘child support’ would clarify the nature and purpose of child support payments. It would make it clear that they are not intended to cover *only* food and clothing for children, but also children’s portion of housing, utilities and transportation costs. Other states include such a definition of the purpose of child support in their laws. A majority of respondents to the Guidelines Council’s public surveys, *both obligors and obligees*, supported a proposal to define ‘child support’ in the Ohio Revised Code. The PACE representative on the Council proposed that the Ohio Revised Code include this language:

“Child support funds shall be expended for the benefit of the child(ren) including but not limited to expenses on the child(ren)’s food, clothing, shelter, lessons, health care (unreimbursed), entertainment and school and community activities.”

The Statutory Language Subcommittee of the Guidelines Council voted this proposal down by a vote of five to one, with four of the five negative votes coming from attorneys working in the Ohio child support system either at the Ohio Department of Jobs and Family Services or one of the county child support enforcement agencies.

PACE believes that financial support for children is important. It is *part* of the total support that children need to grow into happy, healthy adults. But children also need both parents actively involved in their lives. Financial child support proposals that do not recognize *both* parents’ direct financial support for their children do not encourage—indeed, they discourage—the active involvement of parents in their children’s lives. Dramatic increases in the child support obligations of nonresidential parents, especially low-income parents—such as those proposed by the 2005 Guidelines Council—will drive more parents out of their children’s lives either because they have to work more overtime or take a second or third job to meet the new, unrealistic obligations or because they drop out of their children’s lives and join the underground economy or wind up in jail.

Please join PACE in contacting your state legislators and telling them that these recommendations are bad for Ohio’s children and you won’t support those who support such recommendations.

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