

ASSISTANT MINORITY LEADER SHIRLEY SMITH



[SENATE BILL 292](#)

COMPREHENSIVE CHILD SUPPORT REFORM

In 2009, Senator Smith served on the fifth Ohio Child Support Guidelines Advisory Council, which is statutorily obligated under Ohio Revised Code 3119.024 to meet every four years and assist the Ohio Department of Jobs & Family Services in making recommendations to the General Assembly on improving Ohio's child support laws. While the Council has met its statutory obligations and earnestly issued its recommendations, the legislature has not adopted substantive reforms in nearly a decade.

Using [the Council's 2009 recommendations](#) and additional collaborative efforts with the ODJFS and the Ohio Child Support Directors Association, Senator Smith has introduced S.B. 292 to comprehensively reform Ohio's child support laws. Child support is an issue that touches thousands of Ohioans from all walks of life, and it is an issue which Senator Smith believes should be addressed with bipartisan support.

This document will help you and other Ohioans understand S.B. 292 and how it will improve child support in our state.

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Important links

[The Senate Democratic Blog](#)
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[2009 Child Support Guidelines
Advisory Council](#)
[Ohio Office of Child Support](#)
[Child Support Directors Asso.](#)

Senate Bill 292: Comprehensive Child Support Reform

Update the Basic Child Support Schedule and Underlying Economic Assumptions

The Basic Child Support Schedule is a chart that measures parents' total income against the number of children under consideration for child support. As the starting point for all child support decisions, it is based on economic data related to the costs of raising children. Senate Bill 292 would update this schedule.

The schedule is written in the Ohio Revised Code, so only the General Assembly can change it with a law. The current schedule is based on price levels from 1992 and child-rearing data that was collected from between 1980 and 1986.

The updated schedule contained in S.B. 292 is based on current price levels. It also uses a methodology proposed by the U.S. Department of Agriculture that breaks down child-rearing data by category (i.e. housing, food, transportation, clothing, healthcare, childcare, education, and miscellaneous).

Most increases in the schedule are attributable to price increases since 1992. The chart below shows examples of likely increases that would result from a new Basic Child Support Schedule.

Note: As you will see, the Self Support Reserve Test at lower income levels and the Parenting Time Adjustment at all income levels will, in many circumstances, offset the increases in the new schedule.

Parenting Time Adjustment

The current model for child support assumes that the custodial parent bears all of the costs for raising a child. This assumption does not account for any expenses the non-custodial parent may have when spending time with the child, especially

when the court requires or grants such time.

In order to address this issue, S.B. 292 uses a two-fold approach to bring equity to parenting time when it is ordered by the court.

A parent with standard court-ordered parenting time will receive a standard 8.75% decrease in the support order.

When parenting time exceeds 40%, the child support obligation will be adjusted using a calculation developed by the Council. If a parent does not think that these adjustments are sufficient, he or she may ask the court for a deviation based on other facts and circumstances.

Using the same chart as before, we can show how these adjustments would work with the new Child Support Schedule.

Medical Support

The current worksheets make it difficult for parents to know how changes in their children's health insurance coverage will affect child support orders. Unfortunately, recent changes in Ohio law have created inconsistencies and complications statewide.

Senate Bill 292 fixes these problems by simplifying the "cash medical" calculation. The bill's new worksheets will produce one cash medical obligation that is paid in addition to the regular child support amount *only when health insurance is not provided.*

Why a Standard 8.75%?

Approximately 35% of child support payments is used to cover food, bed sheets, and other expenses that "travel" with the child.

Ohio's average parenting time order is 25%.

$$25\% \times 35\% = 8.75\%$$

For Example

A parent provides health insurance for his child as part of the child support order.

If that parent loses that insurance, the worksheet will already indicate how much the "cash-medical" payment should be. This amount will be added to the regular child support order.

Combined Income	Current Support Order	S.B. 292 Child Support Order After Parenting Time (PT) Adjustment			
		No Parenting Time	Standard 8.75% 1-39% PT	40% PT	45% PT
\$60,000	5,015	6,736 (+1,721)	5,426 (+411)	4,941 (-74)	2,470 (-2,545)
\$90,000	6,691	8,431 (+1,740)	6,785 (+94)	6,209 (-482)	3,105 (-3,586)
\$120,000	8,382	10,354 (+1,972)	8,371 (-11)	7,478 (-904)	3,739 (-4,643)

Assumptions

- Each order has 2 children
- 50/50 Income split
- No health insurance provided for the children
- No other costs or income adjustments
- Neither parent has other children

Senate Bill 292: Comprehensive Child Support Reform

Require Update of the Basic Child Support Schedule Every Four Years

In order to ensure that the Basic Child Support Schedule keeps pace with economic realities, S.B. 292 requires the Department of Jobs & Family Services to update it every four years using the most recent Consumer Price Index data, as determined by the U.S. Department of Labor and the Bureau of Labor Statistics.

Self Support Reserve

Sometimes a parent earns so little that he or she is living at or near poverty. They have little financial capacity to make child support payments. SB 292 creates a two-prong test to determine the parent's ability to meet the child support obligation and maintain a modicum of self-support.

Note: Willful unemployment in order to maintain a low Child Support order is not tolerated by judges or Child Support enforcement agencies. This bill will continue allowing judges and child support enforcement agencies to impute income to parents who try to earn less in order to pay less.

Increase the Minimum Support Order

The minimum child support order is set at \$50/month (\$600/year), despite inflation and other cost-of-living increases.

Senate Bill 292 increases this amount to \$80/month (\$960/year).

Local Tax & Work-Related Deductions

Senate Bill 292 removes local tax adjustments and work-related expenses as deductions on the child support worksheets in favor of a single "extraordinary work-related expense" deviation factor.

For Example

Parents who have felony convictions often find it difficult to gain employment at previous earning levels because of the stigma of having a criminal record.

S.B. 292 allows judges and agencies to consider this factor when considering the parent's earning capacity.

Imputing Income

When a court or agency imputes income to a parent, it attributes that parent with making a certain amount of money because of "voluntary unemployment" or "voluntary underemployment." This is when a parent actively tries to pay less child support by maintaining a smaller income.

Senate Bill 292 provides clarity to judges and agencies by enumerating specific conditions when income may not be imputed.

Processing Charge

There is currently confusion about whether the child support processing charge is supposed to be deducted from or added to the monthly payment.

Senate Bill 292 clarifies that this fee is to be added to the child support order after the order has been calculated using the worksheets.

Multiple Support Orders for the Same Family

Sometimes two parents have multiple children together, but each child is the subject of a separate child support case. These multiple cases may add up to be more than if all the children were considered in one proceeding.

Under S.B. 292, courts and agencies are required to ensure that the sum of all the individual support cases not be greater than if all the children were under one child support order.

Revising Deviations

Senate Bill 292 clarifies, refines, and expands the criteria a parent may request a court to consider when calculating a child support order. Based on the court's determination, the court may order a change to the amount of support determined in the worksheet.

Maintaining Deviations

When Child Support Enforcement Agencies review support orders, they have no authority to maintain deviations that a judge originally approved. This problem exists because the agencies currently have no statutory authority to maintain these deviations.

Senate Bill 292 requires agencies to continue court-ordered deviations. If a parent wants to change the deviations of their order, he or she can appeal directly to the court.

Income Credit Equity

Senate Bill 292 makes the income credit for other children in the parent's household more equitable. The legislation continues the credit at a reduced rate in order to balance the costs of raising another child with the fact that these costs are shared with another parent.

For example

Judges and courts may now disregard additional income earned from a second job or overtime if that work primarily supports a new or additional family.

They may also consider any special or unusual needs arising from the child's physical or psychological condition.