

Child Support Guidelines Advisory Committee
Minutes
Wednesday, February 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, Linda Scher, Jessica Thomas, and Monica Whitaker.

Guests: Chris Bowers, Jason Chappell, Alex Collins, Erik Durant, Annie Engel, Marci Hamilton, Sarah Heinen, Lenny Kistler, Will Latham, Alicia Mahan, Dan Meyers, Danielle Napier, Zizi Owens, Alexandra Popescu, Krista Smyth, Charlene St. Jules, Michelle Underwood, and Lori Woltring.

Absent: Deborah Dowdle, Tabitha Fish, Heath Hattaway, Marisa Salinas, Shanon Sporseen, Amanda Thorpe, and Ceri Villa.

Call to Order	Dawn Marquardt
Dawn brought the meeting to order and conducted a roll call of the members present.	
Minute Review and Approval	Dawn Marquardt
The minutes were approved without any edits. They will be posted on the public website.	
Income Disparities Between Child’s Households (continued from last meeting)	Keith Raines Luciana Fontanini
Dawn noted that since Keith would not be able to participant fully during this meeting, we would carry his topic over to the next meeting when he can be present to share his opinions and join in the discussion.	
Child Attending School Discussion (continued from last meeting)	Dawn Marquardt Linda Scher
Linda introduced her thoughts on the child attending school process, identifying three main concerns. First, she did not think it’s clear when a second parent should be ordered to pay child support to a child attending school. She noted that in the minutes from the previous meeting, someone mentioned that the program would not take a new order when the child turns 18. She was interested in hearing the program’s policy on that and discussing what guidance we can give to parents. Secondly, it seems like the child support obligation is dramatically larger when there is a minor child and a child attending school, and she questioned the fairness of the calculations in these types of scenarios. Lastly, she pointed to the last meeting’s discussion that Keith brought up about determining when a child does or does not qualify as a child attending school. She suggested providing parents and children with an annual update of the rules and procedures for the child attending school process.	
Dawn noted that the program sends an annual notice to all participants but doesn’t think there is anything about child attending school on that form. In response to Linda’s concerns, Mike noted that the dramatic jump in the amount child support is because parenting time is not applied to the child attending school’s portion of the support obligation, so its unreduced. Then, it gets prorated between all of the children, so they all get an equal	

amount. The support for the child attending school is indirectly impacted by the parenting time as part of the calculation, which does cause it to jump significantly in some cases.

With respect to ordering support from both parents, the program typically does not do this. The only situation in which we would establish an obligation for a child after they turned 18 is if the parent against whom we're establishing the obligation was previously ordered to pay support for that child when that child was a minor. If the child moves into the paying parent's house and is going to live there during college, we will not order support against the former receiving parent after the child turns 18 because they never had a support obligation against them. In terms of ordering support from both parents, the statute simply says a support order can order either one or both parents to pay support for a child attending school, so there isn't much guidance. The Office of Administrative Hearings will enter orders against both parties, and we see it in private judgments, but our program does not typically do this, and our forms really aren't designed for it.

Lastly, in terms of keeping track of the child attending school cases, the statute is deliberately written to be objection driven so that the program does not have to assume the administrative burden of tracking cases to see if the children continue to qualify. It's really up to the parents and they don't get an annual notice to remind them of how it works. They get a notice at the beginning of the child attending school process that clearly explains their objection rights.

Dawn asked Mike to clarify that if the child didn't go to school and we learn after the fact, we can't do a retroactive modification. If there are arrears and all parties agree to a satisfaction, that would be the only option. Mike responded that only the judgment creditor can enter a satisfaction, so in a lot of our cases, the receiving parent is the only judgment creditor and would be the only one who could satisfy arrears, even though the support that accrued while a child qualified as a child attending school is owed to that child.

Chris wanted to note that even though the program will not establish a support obligation for a child after they have turned 18, the court can. Dawn added that if an order is established in these cases, the program can still enforce it.

Donna noted that the Office of Administrative Hearings does do some orders like this, where one parent is ordered to pay support to a child attending school and the other parent is ordered to pay the other parent for the minor child in their custody. She pointed out that the [CAS webpage](#) on the program website has a handy FAQ section for children and parents. It might not be mentioned in the program's annual notice but is very helpful.

Jessica asked how child support is affected if the child is 18 but still in high school. She also asked how it works if the child is going to college but living full-time at the receiving parent's house. Mike responded that the guidelines currently provide that if a child is 18 and living at home, they are treated as a minor when calculating support, and parenting time credit can be included in the calculation, which can reduce the obligation. Before they turn 18, the program sends them a reminder notice to return a form that says they plan on continuing to attend school. The form requires the name of the school and the name of the school they plan to attend next. If they do not provide the name of their next school, support will stop when they graduate high school. Jessica asked for more clarification on situations where the child is living at the receiving parent's house while attending college. Mike responded that

the program would likely order support from the paying parent. It's between the child attending school and the receiving parent how to handle the support that is received. The support is given directly to the child attending school. Sometimes, the child will pass it on to the receiving parent, but there is nothing that legally requires that. Dawn added that the child can sign a form to redirect support to the custodial parent. Jessica asked how support works for children with disabilities that need care into adulthood. Mike responded that that situation can be handled in a few ways. You can enhance the amount of support using rebuttals, or support can be ordered beyond 18 or 21, to include indefinitely. However, the program cannot order support beyond 21; it would need to be done through the court. Will noted that the annual notice doesn't specifically mention the child attending school process. He also pointed out that participants will sometimes do a credit for direct payment if a satisfaction isn't possible. Additionally, if a child is no longer attending school, the child can inform the program directly and support can be suspended without having to go through the objection process.

Trena noted in the chat that it's challenging to report both current school (high school) and future school (college) when the 18-year-old is still in the middle of college applications. Will responded that the child will need to put the name of their next school on the form to avoid support being suspended when they turn 18. Mike provided the example of a child who is currently attending Tigard High School and says they will graduate in June. They note that they plan on attending college, but they will not find out where until the summer, they do need to provide the update, it will suspend when they graduate if they turn 18 while in high school. If they start college in the fall and submit the appropriate documents completed by the school, the program will reinstate the support effective the first of the following month. The form completed by the school confirms that the student is enrolled at least half of the time, is making satisfactory progress, and has provided the school with authorization to share their grades with the paying parent. Dawn asked to clarify that we send another notice when it is suspended, and Will confirmed. Dawn mentioned that we often hear from the child when they receive the suspension notice. Will noted that when the child received the suspension notice, they have 30 days to provide the required proof. If they do not do this within that timeframe, support is suspended.

Dawn noted that there is an email address (ChildSupportCAST@doj.oregon.gov) for the public to reach out to the Child Attending School Team(CAST) if they have questions. Will Latham, CAST manager, added that the public website will also walk them through the process. Mike wanted to clarify that everything discussed so far is contingent upon the order being an Oregon order; otherwise, it will be dependent upon the laws of the state that established the order.

Chris asked if the obligation is terminated automatically by the system when the child turns 21. Will responded that his team codes the emancipation date—typically either 18, 21, or the date they intend to graduate—into Origin, and the support will suspend on that date. Mike noted that if the order is a class order and includes both a child attending school and minor children, the amount of support isn't reduced if the child attending school stops qualifying. Their portion of the support is paid to the receiving parent instead. If the child does not qualify as a child attending school at the time the program establishes or modifies an order and there are minors on the case, the program can order support for the minor children and then order a contingent amount for the adult child that can be turned on or off depending on if they qualify as a child attending school or not.

Keith noted that he is familiar with instances where a child qualified as a child attending school in the summer but never went to school. The father never paid because he did not realize he needed to since the child was not attending school. The arrears continued to increase since the father never knew to object. The receiving parent wanted the arrears enforced, and the judge cannot order a satisfaction. Mike responded that the only options in that situation are a satisfaction and credit for direct payments (even though payments weren't actually paid). Since satisfactions must be signed by the receiving parent, their cooperation is necessary. Lucci noted that if that case were handled by our program, the paying parent would have had a lot of opportunities to know their obligation since the program sends out a lot of communication. Mike noted that in Keith's example, the father was in Florida, and the Florida child support program refused to enforce the order until Mike intervened. Linda added that that is a valid reason for including an explanation on the annual notice that is sent out. Keith also suggested adding a line on the notice that says if the child is not attending school, look at this webpage. Mike asked Dawn if there was room on the billing statement for a note like this. Dawn said potentially but not all paying parents receive billing notices. We can look into adding something to the annual notice.

Linda noted that there isn't any guidance in the statute about when child support against both parents is appropriate. Michelle Underwood asked in the chat if there could be a fraud claim against the parent collecting support when they know that the law doesn't allow it. Dawn responded that there was a court order in effect that wasn't changed. Michelle asked what the receiving parent's obligation is to report a change in circumstance that they know will end their support. Do they have any responsibility at all? Dawn responded that the program wouldn't pursue that. Mike added that the only relief afforded the paying parent is to have support suspended, which requires an objection. Dawn asked Will to confirm that there is a process for parents to request proof of school enrollment. Will responded that that is the objection process. A parent needs to submit an objection in writing, and the Child Attending School Team will send out the required documents to the child and the other participant, letting them know that there is an objection and that they need to submit the required proof within 30 days. A notice is also sent out 90 days before a child's 18th birthday. Will also noted that a receiving parent can object if they are ordered to provide health care coverage. Dawn asked if a receiving parent can object if their order is a class order and they still have minor children in the home as suspending a child attending school's support would mean more support going back to the receiving parent. Will responded that that would be something they would likely discuss with Mike.

Jessica asked what happens to the arrears balance when a child becomes a child attending school. Dawn responded that the arrears that already accrued are still due to the receiving parent. If payments started coming in, the current support would be paid first to the child attending school, and then any additional funds would be prorated between the arrears accounts. If the current support owed to the child attending school isn't paid, that would become arrears that are owed to the child attending school. Jessica asked if there is a way to increase the standard 120% withholding amount to cover both the child attending school and the receiving parent's arrears. Mike noted there is a process for an expanded withholding, but it's fairly rare since it often disadvantages the paying parent. Jessica asked what steps can be taken if the paying parent has been hiding their employment, paid under the table, or working 1099 jobs. Mike responded that that is one of the most difficult parts of our work. If someone wants to hide their money, the most we can do is prosecute them for contempt.

Dawn noted the Senate Bill 184 (2023) requires businesses to report independent contractors to our program, which we would use to determine if an income withholding order is possible. It might require someone to report the information to us if the business is not already reporting their independent contractors. The majority of paying parents we see are not trying to avoid their obligation. Around 70% of payments received are by income withholding.

David asked if there are any policies to ensure that a child attending school utilizes their time efficiently in school and isn't switching majors or degrees too often. Will responded that the school must confirm that the child is attending at least half of the time and making "satisfactory progress," which is defined differently based on the school or the program the student is in. Mike added that a student could change majors several times throughout their academic career and still qualify as long as they meet those requirements.

Dawn reiterated that the action item from this discussion is to review the annual notice to determine if additional child attending school language can be added. With respect to Linda's point about ordering support from both parents, the scope of this group is to consider changes needed to the administrative rules and not to the statutes. It might be more on OJD's side to provide more guidance on when courts might order both parties to pay, but we can consider adding some information somewhere about what the program does when both parents are ordered.

Linda noted that some guidance in the child support guidelines would be helpful since the worksheet simply asks if both parents are ordered. Telling people how to answer that question is part of the guideline rules. Dawn responded that we can look at this a bit more. The statute provides that the court has the authority to order both parents to pay support.

Workgroup Updates (Health Care Coverage & Child Care Costs, Income, Parenting Time Credit)	Workgroup Representatives
<p>Health Care Coverage & Child Care Costs: Alexandra advised that the workgroup has met twice since the January meeting. During the first meeting, the group discussed how they plan to approach the topics and agreed to update the name of the workgroup to include a discussion of child care costs. At their second meeting, the group started talking in more detail about the health care coverage issues identified and where they want to go moving forward. The group decided to discuss the health care coverage topic first and decide on those recommendations before moving on to discussing child care costs.</p> <p>Income: Lucci noted that the workgroup has had two meetings since the January meeting and have been nailing down logistics. People are really eager to get into the meat of the discussion. During their first meeting, they mapped out roles. Krista, who is a research analyst with the program, is taking the lead on organizing our meetings and keeping the conversation flowing. They have also identified others to take minutes and track issues.</p> <p>During the last meeting that we had last week, they focused on making sure everybody had a shared understanding of what a calculation looks like. The conversation flowed into a discussion on income imputation, so the group will continue the conversation at their next meeting. They plan to discuss in more depth what changes are needed (in rule language or in commentary) and if there is data available from other states to consider.</p>	

Parenting Time Credit:

Lori shared that this workgroup has met twice. In their most recent meeting, they had demonstrations on both the parenting time calculator and the guidelines calculator to see where parenting time fits in as a whole. At the next meeting, they plan to discuss how to simplify how the program counts overnights and looking at what other states are doing and how they count overnights.

Mike added that they also discussed whether the program should abandon the current provision and the rules that allow for smaller credits, like quarter-day credit, and do full- and half-day credit to simplify the process. Jeremy agrees that the existing language is fairly complex and would like to encourage the workgroup to consider whether it's equitable. It talks about how a four-hour block of time could be counted as an overnight, even though it takes six four-hour blocks to make 24 hours. Michelle Underwood noted that there was a lot of discussion during the workgroup meeting around partial and full days and what does or does not count. Part of the conversation centered around the idea that the time spent with the paying parent is sometimes relieving an economic burden on the receiving parent even though they do not have the child overnight. The current rule says that you have to have the child between four and 12 hours to get a half-day credit and more than 12 to get an overnight credit. If they're picking them up from school every day and feeding them dinner before the other parent comes and gets them, those are significant economic impacts in that they don't have to leave work to pick up the child, they don't have to pay for after school care, and the child is being fed dinner. Michelle suggested adding clarification on when to give half-day credit and when not to. Martin added that part of the discussion was whether this would be a change to the actual rule or just to our commentary.

Dawn appreciated the thoughtful conversations happening in the workgroups. She wanted to reiterate that the guidelines are meant to be applied to the majority of parents so the discussions should not focus on specific, one-off situations. She also wanted to make sure that members remain respectful of all opinions shared and that everyone feels comfortable sharing their perspectives.

Round Table	All
<p>Dawn noted for the next agenda, the group will go over a report on 2024 case data analysis that was led by Lucci and one of our research analysts, aided by several program employees. They looked at data on cases where either an order was established or modified, specifically gathering information related to what the federal child support regulations require states to consider during a guidelines review. The report will be posted online, and Dawn will send a message to all members when it is posted. It will also be included with the agenda that goes out for the next meeting. She encourages everyone to read it before the next meeting.</p>	