

Illinois Quadrennial Review of Child Support Guidelines : 2010

In attendance:

CSAC Members and Special Appointees: Margaret Bennett, Erin Bognar, Joan Colen, Susan Kamman, Frank Kopecky, Representative Sidney Mathias, Michael Moore, Judge Jorge Ortiz, Diane Potts, Malcolm Rich, Ada Skyles, Margaret Stapleton, Jerome Stermer, Suzanne Strassberger, Zee Williams and Richard Zuckerman

HFS: Director Julie Hamos, John Allen, Richard Saavedra, Pamela Lowry, Mary Bartolomucci, Barb McDermott, Cynthia Moreno, Yvette Perez-Trevino, and Norris Stevenson

Presenter: Dr. Jane Venohr

The Illinois Child Support Advisory Committee was convened at 10:10 am on December 8, 2010 to perform the quadrennial review of child support guidelines. HFS Director Julie Hamos welcomed the Committee. One public comment was heard and one comment was received via email. At 10:20, Chair Suzanne Strassberger welcomed the Committee and introduced Dr. Jane Venohr. Between 10:25 and 10:30, Chair Strassberger led the Committee in a review of the published agenda. At 10:30 Dr. Venohr began her presentation.

At 1:30 the Committee voted to recommend that Illinois move forward in replacing the percentage of obligor income methodology with income shares, with 9 voting yes, 3 no, and 1 abstaining. The Committee's recommendation is that additional work be done, with a goal of drafting legislation for the Spring 2012 legislative session.

Following the vote, the Committee continued to discuss various specific guidelines topics. The Committee recommends:

- Further research be conducted as to the imputation of income for custodial parents.
- Child care expenses should be treated as "below the line" (not included in the table of expenditures). Treatment of child care expenses should be pro-rated and included in orders as an individual line item. Illinois should look to other states' guidelines to define qualified child care costs. Illinois should not pursue reimbursement of subsidized child care expenses. Child care expenses should be annualized. Additional research should be conducted as to the effect of child care expenses paid directly to the care provider by a child support obligor. Additional research should be conducted as to child care tax deductions and flex spending implications. Additional research should be conducted as to actual cost vs. market rate.
- Health insurance premiums should be treated as marginal cost (the cost attributable to the child's coverage only, rather than the full premium costs). Illinois judges should be given the authority to order the custodial parent to apply for All Kids. Additional research needs to be conducted as to the "obligor" and "parties" language in ILCS 505.2

- A change in guidelines should not in and of itself constitute a substantial change in circumstances for modification purposes.
- Additional research should be conducted regarding the selection of an expenditure table. The two schedules that should be researched for selection are the most recent Betson/Rothbarth table and the most recent USDA table. Committee members favor a gross vs. net model, but understand that schedule selection may affect that preference.
- Additional research regarding deviation factors for the legislative proposal should be undertaken.
- The income shares model should include a presumption that the guidelines schedule (table of expenditures) will apply up to \$480,000 combined annual gross income. The Committee recommends that child support terms for families with incomes beyond \$480,000 combined annual gross income be at the discretion of the Court, but that the guidelines amount at the highest income level included in the table be considered the floor.
- The income shares model should include a self-support reserve for low-income obligors.
- The income shares model should include a shared parenting provision, the provision should be quantitative, and the threshold for the parenting time adjustment should be set at 40% or 145 nights. The Committee recommends that adjustments for split custody be a specific deviation factor.
- Additional research and discussions should be held regarding medical support provisions in a new income shares model, to address comprehensiveness, accessibility, and reasonableness of cost of available health insurance. Ordinary medical expenses of \$250 per child should be explicitly included in the schedule of expenditures and should not otherwise be addressed in orders for support. Treatment of extraordinary expenses should be pro-rated within the order and reduced to a judgment if unpaid.
- Additional research and discussions should be held as to treatment of life insurance, after school expenses, and expenses for children with disabilities.

The Committee requests that the Director appoint one or more working groups to undertake additional research and discussion and begin drafting a legislative proposal after 1/1/2011, in conjunction with appointment of the 2011 CSAC. The Committee requests that special members who attended the Guidelines review sessions be appointed as members for 2011.

The Committee also wishes to note that these recommendations are the result of many months of meetings, discussions, and collaborative work with other groups. The Committee came to general consensus, but individual members may have concerns about the overall recommended change and/or the sub-recommendations. Individual members and/or the organizations they represent may have further comment on any introduced legislation, and those comments may or may not be consistent with the recommendations of the CSAC as a whole.

