Senate Judiciary Committee

Rodrick Hamilton, Proponent

May 15, 2018

House Bill 366

Good afternoon Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee. My name is Rodrick Hamilton and I am an attorney and Administrative Hearing Officer for the Montgomery County Child Support Enforcement Agency. Thank you for the opportunity to come before you today to present proponent testimony on House Bill 366, which will update and modernize Ohio's guidelines for determining monthly child support obligations, which affect one in three Ohio children.

HB366 is a companion bill to SB125, which this committee heard extensive testimony on, and passed out favorably last year. HB366 is a comprehensive package of updates to Ohio’s child support guidelines, which resulted from many years of research, conversation, and compromise between multiple stakeholders.

I know you will hear from many other proponents and some opponents to the bill so why should you give any weight to my testimony? I am an attorney and I have worked in child support for 28 years of my 30-year career. I have served on the quadrennial Guidelines Review Council in 2001, 2005, 2009, 2013 and 2017. As a CSEA Attorney and Administrative Hearing Officer, I have calculated several thousand child support orders and been directly involved in all aspects of the child support program.

 I am not an advocate for child support payors, nor child support recipients but as a professional working in our program, I am advocating that we improve our child support guidelines so they will treat everyone fairly and result in support orders that reflect the ability of parents to pay support.

Since the child support guidelines were codified in 1990, there has been a requirement for a review council. Currently numbered as R.C. 3119.024, the mandate to the Ohio Department of Job and Family Services to review the basic child support schedule…to determine whether child support orders issued in accordance with the schedule and worksheets adequately provide for the needs of the children subject to support orders. The review must be conducted at least once every four years and result in a report to both houses of the General Assembly.

The statute requires that “*each council shall be composed of obligors; obligees; judges of courts of common pleas who have jurisdiction over domestic relations cases; attorneys whose practice includes a significant number of domestic relations cases; representatives of child support enforcement agencies; other persons interested in the welfare of children; three members of the senate appointed by the president of the senate, no more than two of whom are members of the same party; and three members of the house of representatives appointed by the speaker of the house, no more than two of whom are members of the same party*.”

In the 2017 Guidelines Council, all of these statutory groups were represented and some of the “other persons interested in the welfare of children” included:

* Community Endeavors Foundation, representing fathers;
* Ohio State Legal Services Association on behalf of Legal Aid Societies and Poverty Law Center.

As part of every guidelines review, the council seeks input from individuals who have support orders. There are open public meetings and the Department of Job and Family Services hosts a website to receive public comment and input and well as letters, email and telephone messages. As someone who has served on 5 councils, I have observed many of the same issues come up over and over again and some of these issues had no resolution, until now. HB366 offers solutions to these long-standing issues surrounding our methods of support calculations.

These issues are:

* A perceived lack of fairness in the method of giving credit for prior orders and additional children;
* Unlimited discretion to incur day care expenses that both parents must share;
* A lack of credits for standard and extended parenting time;
* Support tables that impose a financial hardship on low-income obligors.

HB 366 offers solutions to all of these long-standing issues and offers sensible improvements to more recent issues, which include health insurance coverage and cash medical support.

My colleagues have provided testimony that includes detailed explanations regarding the proposed solutions, but I would like to explain how we arrived at the proposed solutions.

The 2013 Guidelines Council report recommended that ODJFS continue to meet, research, and explore options to resolve issues that could not be resolved in a large group setting.

I was part of a small group that ODJFS assembled to complete this work. We looked at the support guidelines utilized in many other states. We quickly realized that these states had the same issues that Ohio has, but no single state had all of the solutions to our issues. We worked to take the best solutions from states to implement here in Ohio.

We developed our new calculator for multiple family orders from a similar model used in Texas. Our new Day Care Credit Cap is based upon a similar statute found in North Carolina, as well as other states; our new cash medical proposal is similar to laws found in Michigan. Our Self-Sufficiency Reserve incorporates ideas from Connecticut and Pennsylvania, as well as the Guidelines Council Economist Jane Venohr. Finally, our proposed comprehensive manual with detailed instructions for calculating support is similar to a model used by Connecticut.

It is important to remember that HB 366 was not generated by a single interest group. This bill reflects the work of a multiple Guidelines Councils that have included input from representatives of every major stakeholder group connected to the child support program, over the past 16 years.

This bill is a comprehensive approach to updating our system and includes solutions to issues that have come up time and again in Guidelines Councils. That is why I urge you to keep this set of interdependent solutions in a single legislative package, because piecemeal adoption of individual recommendations could result in unintended and unfair consequences.

Ultimately, this bill ensures child support payors have obligations that are reflective of their ability to pay, increasing the likelihood of consistent, reliable payments, and ensuring Ohio’s children are supported.

Again, thank you for the opportunity to testify on House Bill 366. I will be happy to answer any questions.

Rodrick Hamilton, Esq.

Administrative Hearing Officer,

Montgomery County C.S.E.A.