

## MINUTES

### EXECUTIVE COMMITTEE OF THE OREGON STATE BAR FAMILY LAW SECTION

January 19, 2012

Present:        Laura Rufolo        -        Chair  
                  Kristen Sagre-Kottre -        Chair-Elect  
                  Anthony Wilson     -        Past Chair  
                  Marcia Buckley     -        Treasurer  
                  Lauren Saucy        -        Secretary

Members at large: Sean Armstrong, Jacy Arnold, Debra Dority, Christopher Eggert, Richard Funk

Also participating: Ryan Carty     -        Legislative Subcommittee Co-Chair

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The meeting took place by teleconference.

**Call to Order.** The Chair called the meeting to order at 4:07 p.m. A quorum was present.

**Business:** The following items of business came before the committee:

1.        **Approval of Minutes.** Minutes for October 2011 will be presented at the next meeting.

2.        **Treasurer's Report**

**Account Balances.** As of November 2011, the section's bank account balance is \$66,246.

3.        **Salishan Conference 2011, Committee Report.** The conference was successful. The evaluations were processed and conveyed to all speakers. Attendance was good. Feedback was positive across the board.

4.        **Salishan Conference 2012, Committee Report.** Planning for the conference is underway. The committee reported that a detailed review of prior conference feedback has taken place and areas for improvement have been identified. The President of the ABA Family Law Section and Supreme Court Justice of the State of Texas has been confirmed to host as Luncheon Keynote speaker. The committee also contacted the Oregon State Bar's CLE department and has received a listing of highest reviewed CLE presenters for Bar functions broken down by expertise. The committee will continue to pursue topics and presenters.

5.        **Legislation, Committee Report.** The 2012 session is a short session. There will not be any

Family Law Section proposals put before the legislative body. The Oregon Law Commission is sponsoring two work groups that relate to family law but are geared specifically toward adoption issues, and the committee will be coordinating to determine whether feedback from the section is necessary.

The 2013 deadline to have legislative proposals to the Oregon State Bar for approval is April 2, 2012. The sub-committee is meeting and already has a number of clean-up issues to address. Ideas from the FLEC or section at large are welcome.

6. **Family Law Section Web Page, Committee Report.** The web page is not yet up and running. The committee intends to solicit additional members from the family law list-serve to join the committee. The committee may choose to locate an alternative programmer to work on the project as responses to date from the current programmer have not been timely met. There has been discussion about adding a member directory to the web page.
7. **Child Support Calculator, Committee Report.** The committee reported that the state workgroup is making progress. There is currently discussion concerning a preliminary set of recommendations (attached). There will be another full committee meeting in the near future to finalize recommendations and compile them into a single document. The biggest change to the calculation will be moving away from the 25% cutoff for parenting time and transitioning to a "curve" that does not effect major changes from prior calculations, but does eliminate the situation that sometimes occurs under the current guidelines in which a parent with more parenting time may be required to pay support to the parent with less time. There is also an effort to align the cost of daycare to the actual cost expended. Overall there will be a significant revamp of the rules.
8. **Professionalism Award.** A sub-committee was formed to create criteria and a process regarding the FLEC's annual professionalism award. The committee will have a working model in place by June 2012.

Upon motion duly made, seconded and unanimously approved, it was:

RESOLVED: Anthony Wilson and Kristen Sager-Kottre have been voted to act as members of the Professionalism Award Sub-Committee.

9. **Donation Request.** A member has requested that the section contribute to The Campaign for Equal Justice. Discussion was held as to whether or not such a contribution was appropriate as a section expense. A suggestion was made as a part of our conference material we note that a portion of the conference proceeds may be donated to charitable causes selected by the committee; this would avoid using membership dues as a source of funding.

There being no further business to come before the committee, the meeting was adjourned at 4:37 p.m.

These minutes were prepared by Lauren Saucy, 2012 Secretary to the Oregon State Bar Family Law Section Executive Committee

*Lauren Saucy*

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The schedule of future meetings is:

Thursday	February 16, 2012	3:00 p.m.
Thursday	March 15, 2012	3:00 p.m.
Thursday	April 19, 2012	3:00 p.m.
Thursday	May 17, 2012	3:00 p.m.
Thursday	June 21, 2012	5:00 p.m. <i>in Salem</i>
Saturday	October 20, 2012	7:00 a.m. <i>in Salishan</i>

Oregon Administrative Rules - 2012 Guidelines  
recommended changes

<p style="text-align: center;"><b>OAR 137-050-0700 General Provisions</b></p>	<p style="text-align: center;"><b>OAR 137-050-0710 Calculating Support</b></p>	<p style="text-align: center;"><b>OAR 137-050-0715 Income</b></p>	<p style="text-align: center;"><b>OAR 137-050-0720 Adjusted income</b></p>
<p>Add commentary if needed.</p>	<p>(7) Seperate basic support for CAS from support for minor children; apply parenting time and child care costs to the minor children's share only.</p> <p>(13) Medical support determinations may change the order of calculation.</p> <p>Possible changes to the calculation method, such as the child attending school proposal, may change this rule's layout.</p> <p>Add commentary, if needed.</p>	<p>See draft rule prepared by Income workgroup.</p> <p>(2)(a) Add overtime in rule and/or commentary.</p> <p>(2)(b) Add explanation on body of trust to commentary.</p> <p>(2)(e) Add: deduct 1/2 of the self employment tax as a reasonable and necessary business expense.</p> <p>(4) Add: neither Social Security benefits from a child's disability nor food stamps are income .</p> <p>Reduce application of minimum wage presumption for low income parents; add flexibility in imputing income to decrease need for rebuttal.</p> <p>Do not presume full time employment for parents where a shorter work week is either customary or required.</p> <p>Add other commentary, if needed.</p>	<p>(e) Change "additional child deduction" to "non-joint child deduction".</p> <p>Add commentary explaining why non-joint CAS in home with no support order does not qualify for the additional (non-joint) child deduction.</p> <p>Policy decision: Treat an in-home 18 year old in high school as minor both for the support calculation and as a non-joint credit?</p> <p>Add other commentary, if needed.</p>

Oregon Administrative Rules - 2012 Guidelines  
recommended changes

<p style="text-align: center;"><b>OAR 137-050-0725 Basic Support Obligation</b></p>	<p style="text-align: center;"><b>OAR 137-050-0730 Parenting Time Credit</b></p>	<p style="text-align: center;"><b>OAR 137-050-0735 Child Care Costs</b></p>	<p style="text-align: center;"><b>OAR 137-050-0740 Social Security &amp; Veteran's Benefits</b></p>
<p>Add commentary, if needed.</p> <p>Divide support between minor children and CAS in this rule?</p>	<p>Replace current system with Gates formula.</p> <p>(4) Allow parenting time if no agreement is currently in place.</p> <p>(6) Remove 25% limit.</p> <p>(6)(a) Remove 1.5 multiplier.</p> <p>(7) Remove child attending school.</p> <p>Describe flip.</p> <p>Add new graph.</p> <p>Add commentary, if needed.</p>	<p>(1) align the definition of "child care" with IRS code.</p> <p>(1) remove state and federal child care tax credit from calculation. These credits can be applied, if at all, as a rebuttal.</p> <p>(2) Clarify that caretaker's child care costs can be included (see also OAR 137-050-0700(5)).</p> <p>(3) Do not include state subsidized amount in calculation. Use only the cost incurred by the parent or caretaker.</p> <p>Add commentary, if needed.</p>	<p>Clarify that veterans and social security benefits can be applied to both cash child support and cash medical support per ORS 25.245 (7) and 25.323(8)?</p> <p>Add commentary, if needed.</p>

Oregon Administrative Rules - 2012 Guidelines  
recommended changes

<p style="text-align: center;"><b>OAR 137-050-0745 Self-Support Reserve</b></p>	<p style="text-align: center;"><b>OAR 137-050-0750 Medical Support</b></p>
<p>Add child attending school to the amount available after self-support reserve is applied.</p> <p>Add language to rule on priority of the application of self-support reserve.</p> <p>Add commentary, if needed.</p>	<p>(1) Clarify \$250 unreimbursed medical costs (commentary).</p> <p>(2)(a) Clarify that the reasonable in cost cap is applied only to the child's share of the premium.</p> <p>Policy question: Is the 4% cap adequate? (requires modeling after all other policy issues are resolved)</p> <p>(2)(a) Allow health care coverage over the cap without activating contingent cash medical support (clarify in rule and possibly in commentary).</p> <p>(7)(b) Allow public health care coverage to include Healthy Kids and Tribal medical (OCSE Action Transmittal 11-10).</p> <p>Prorate cost of health care coverage and cash medical support between the parents' income shares.</p> <p>Clarify that only the obligated parent will pay cash medical support.</p> <p>Clarify In commentary:                      -the relationship between ORS 107.106, health insurance and cash medical.                      -the health care coverage calculation of the parent's share of support.                      -the reasonable in cost calculation.</p> <p>Recurring, predictable medical expenses should not be included in guideline support but a rebuttal thereof.</p> <p>Policy decision: Should health care coverage be ordered at the reasonable in cost cap or the actual premium costs? The medical support workgroup recommends the actual premium costs.</p> <p>Policy decision: Who should choose the health coverage if both parents have health care coverage available? The medical support group recommends the parent with greater parenting time.</p> <p>Add other commentary, if needed.</p>

Oregon Administrative Rules - 2012 Guidelines  
recommended changes

<p style="text-align: center;"><b>OAR 137-050-0755 Minimum Order</b></p>	<p style="text-align: center;"><b>OAR 137-050-0760 Rebuttals</b></p>	<p style="text-align: center;"><b>OAR 137-050-0765 Agreed Support Amount</b></p>
<p>Add commentary, if needed.</p>	<p>Add commentary on (o)(A) extracurricular expenses, needs vs. wants.</p> <p>Add commentary on (p) return on capitol.</p> <p>Add commentary on the application of rebuttals in the calculation.</p> <p>Add other commentary, if needed.</p>	<p>(3) Change consent amount form 10% to 15%.</p> <p>Add commentary, if needed.</p>