

Massachusetts Child Support Guidelines: Comparative Analysis

Boston Bar Association

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**Does the public have any
right to know what child
support guidelines are
based on?**

- Scope -

- Contacted state and federal agencies.
- Interviewed experts
- Obtained studies
- Obtained all state guidelines

Studies Comparing State Child Support Guidelines

Morgan/Lino Study (2000)

- Mark Lino senior economist with United States Department of Agriculture and Laura Morgan, Senior Attorney with National Legal Research Foundation.

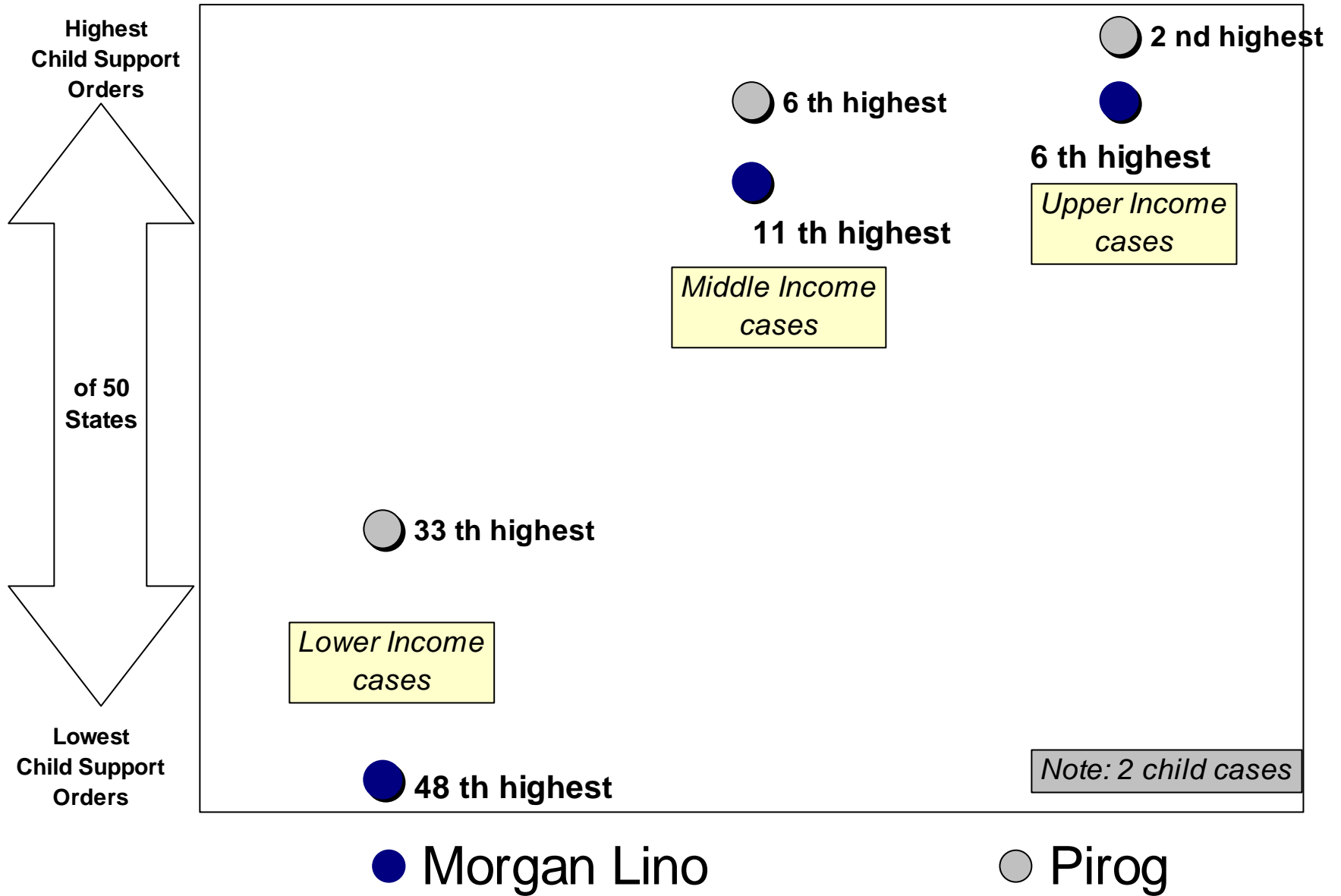
Pirog Study (1998)

- Maureen Pirog - Researcher with Indiana University

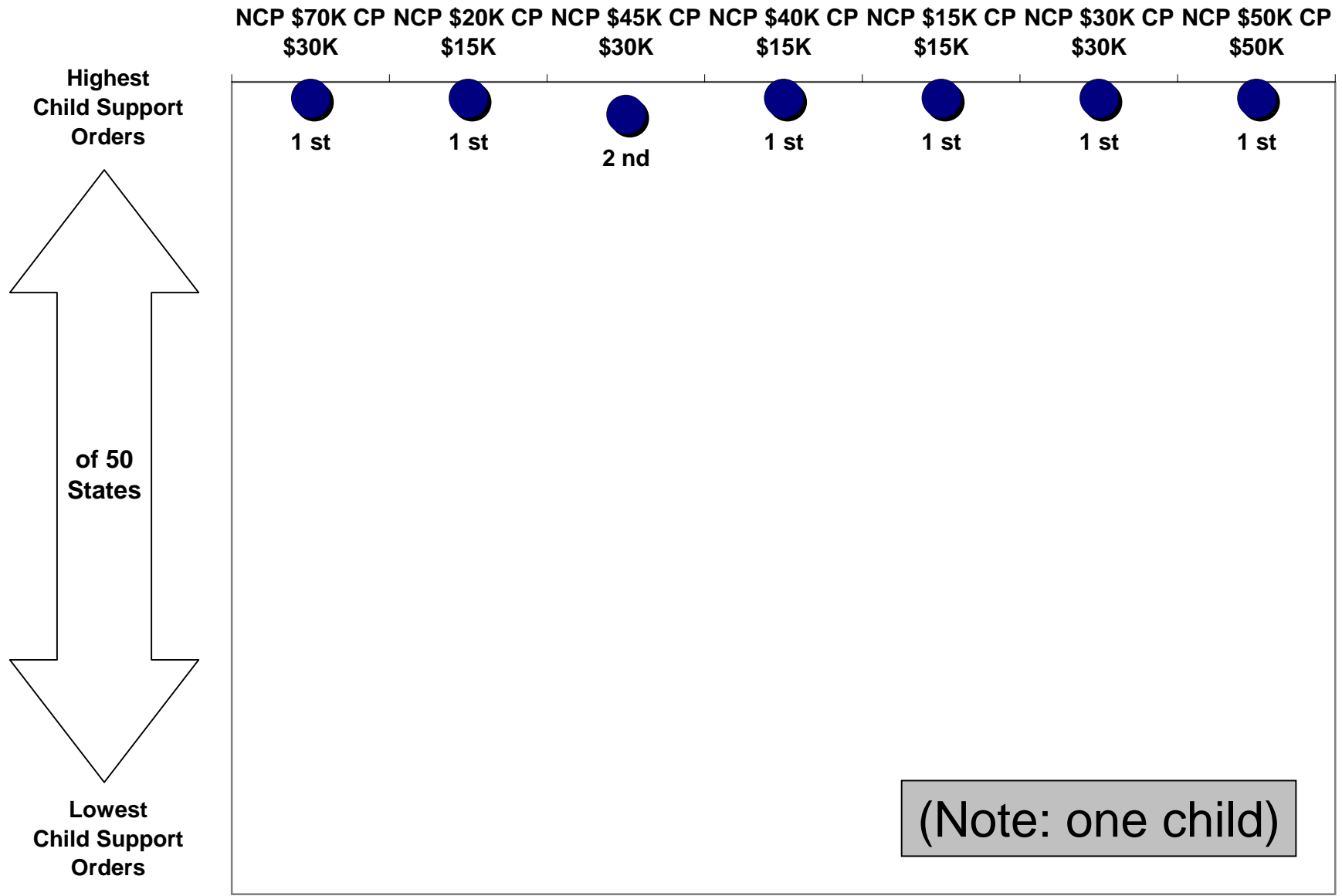
Fassler Study (1995)

- Massachusetts resident with background in statistics

Comparative Studies



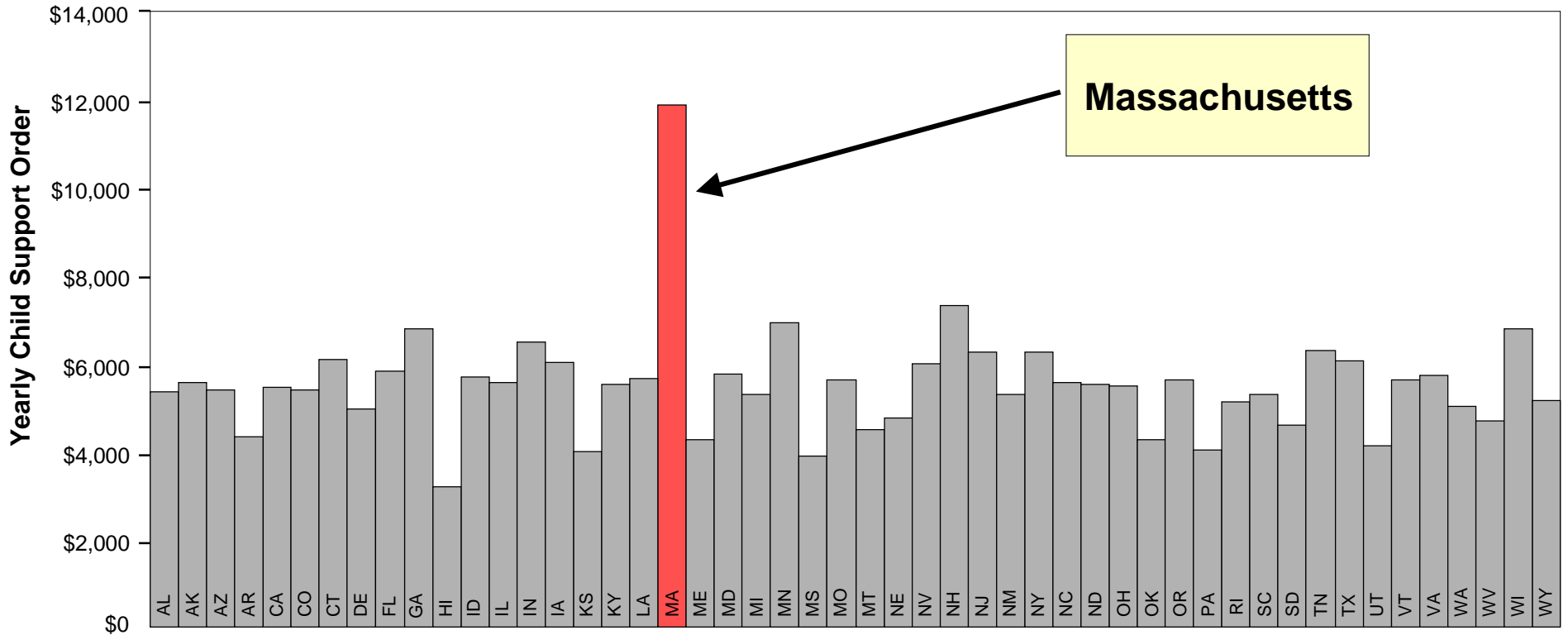
Comparative Studies



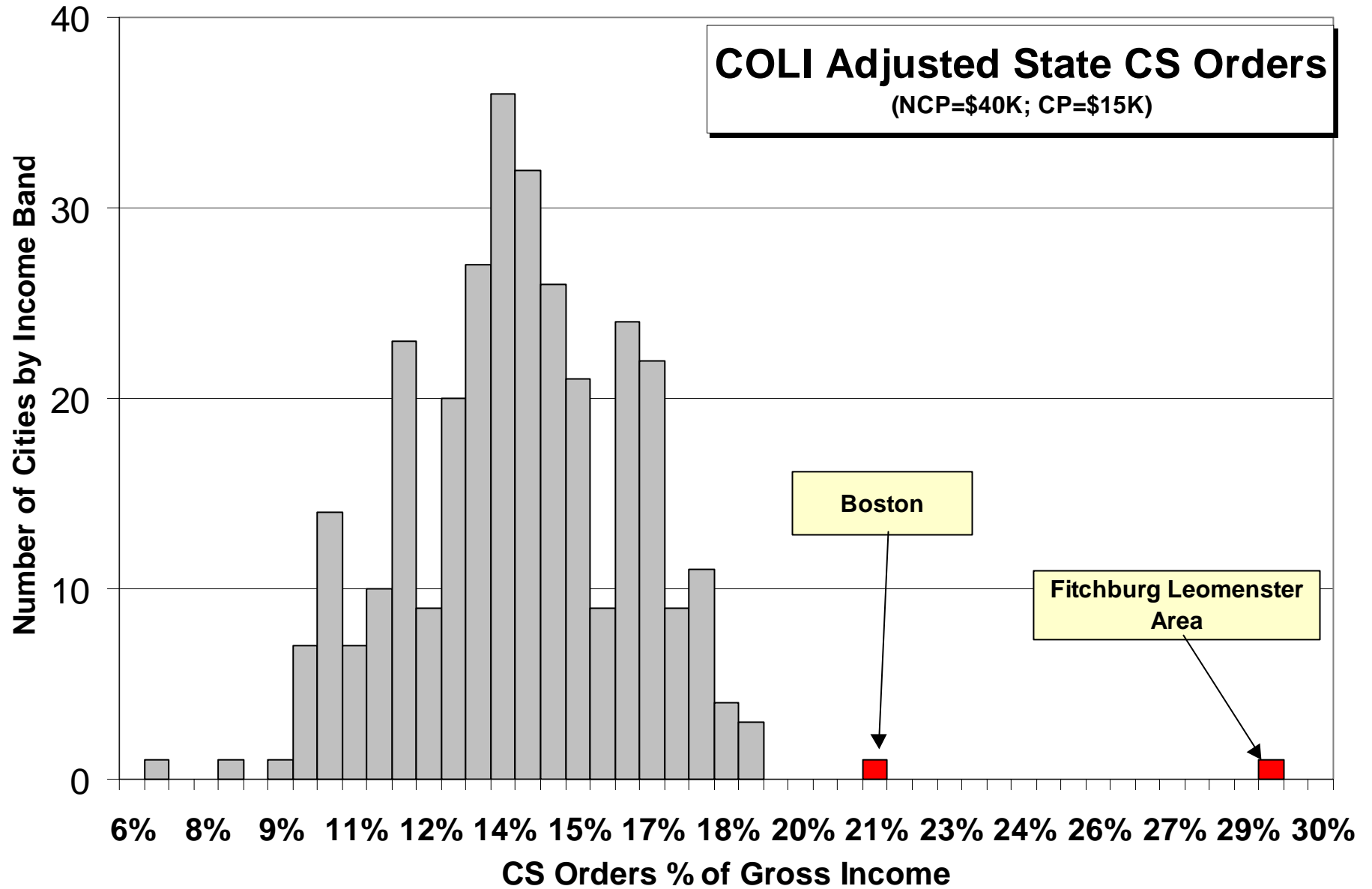
Child Support Orders

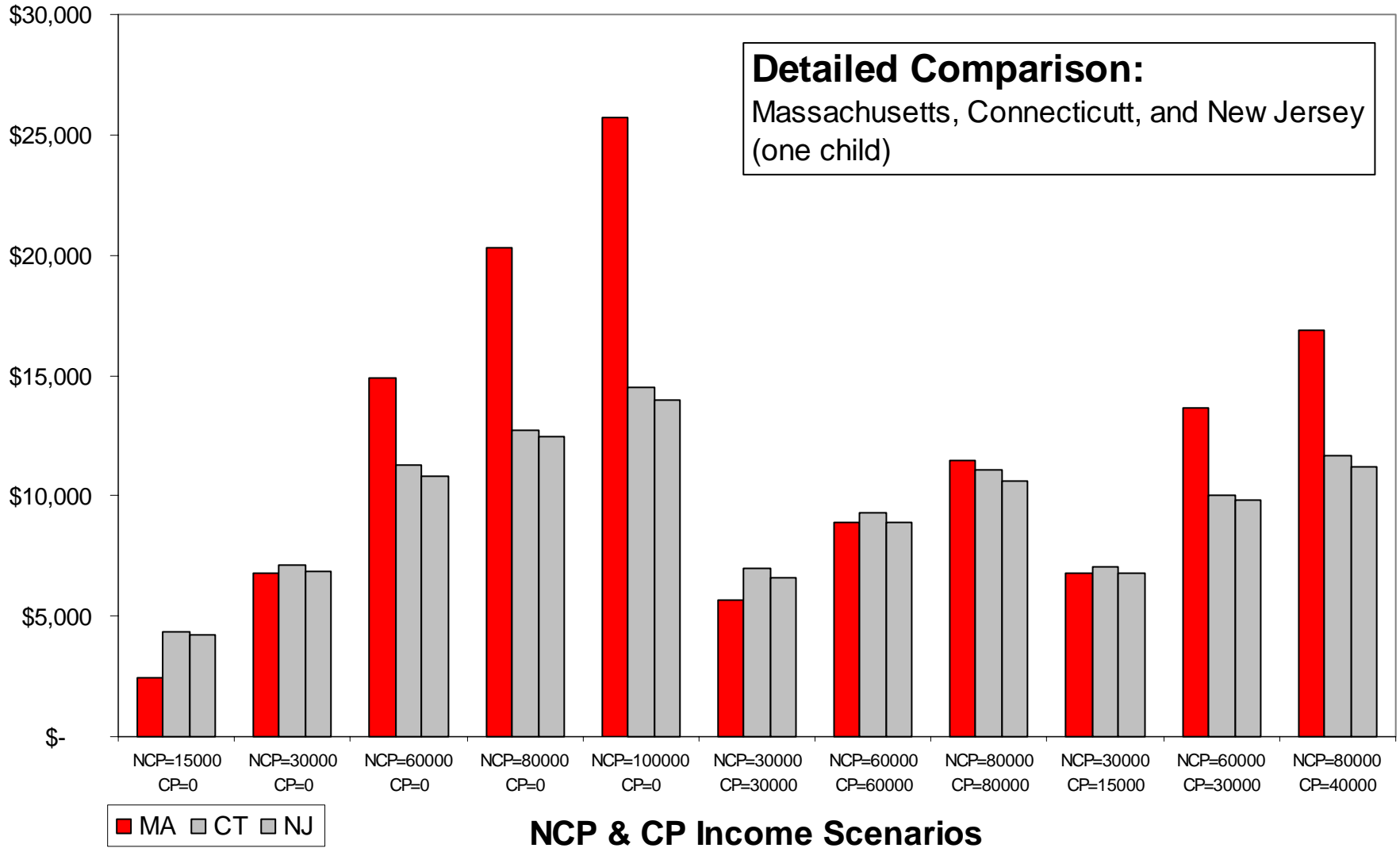
State by State Comparison

(Income Scenario: Non-custodial Parent=\$40K, Custodial Parent=\$15K)

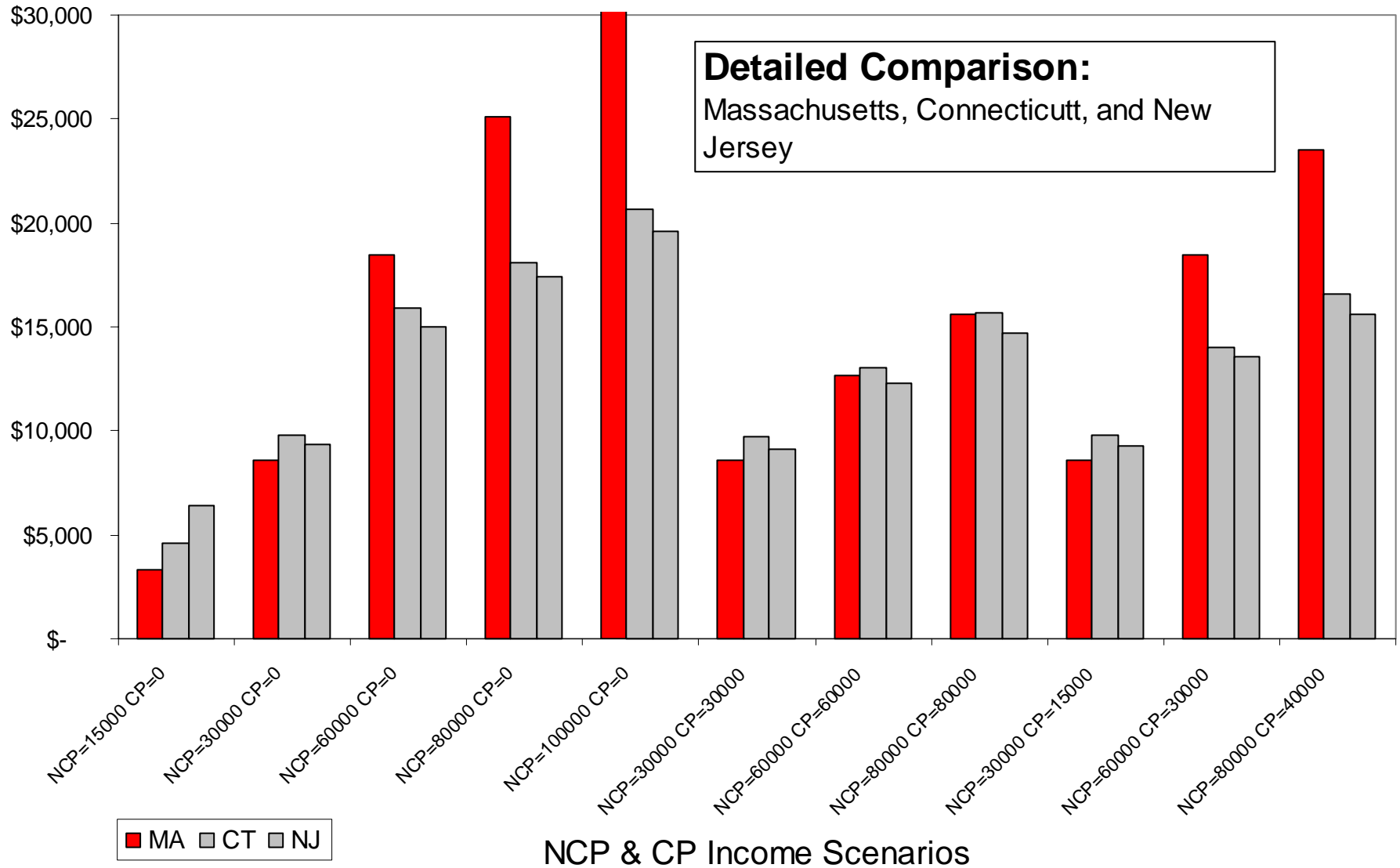


Source: *Massachusetts Lawyer's Weekly*, November 1995

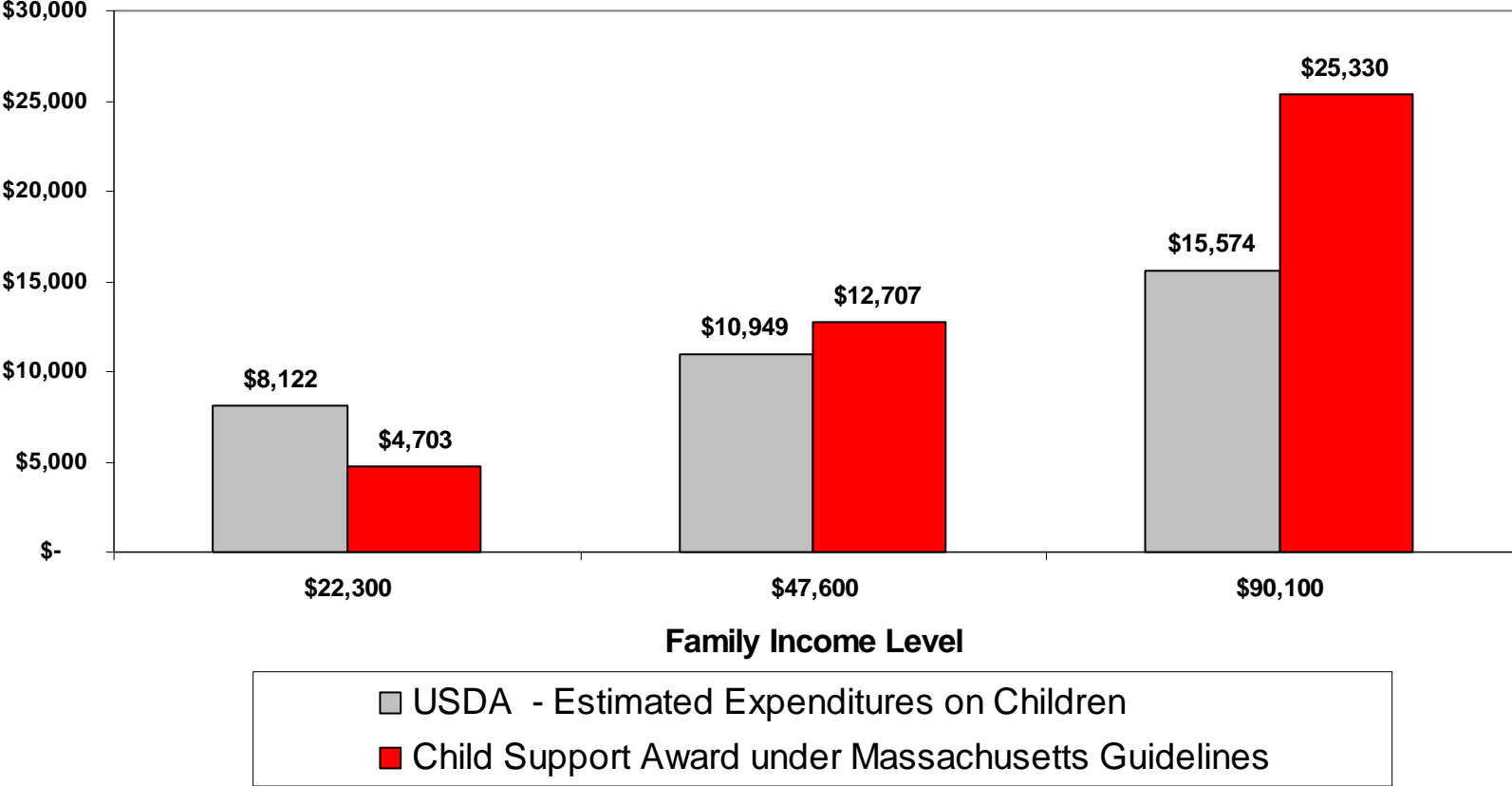




Comparative Studies

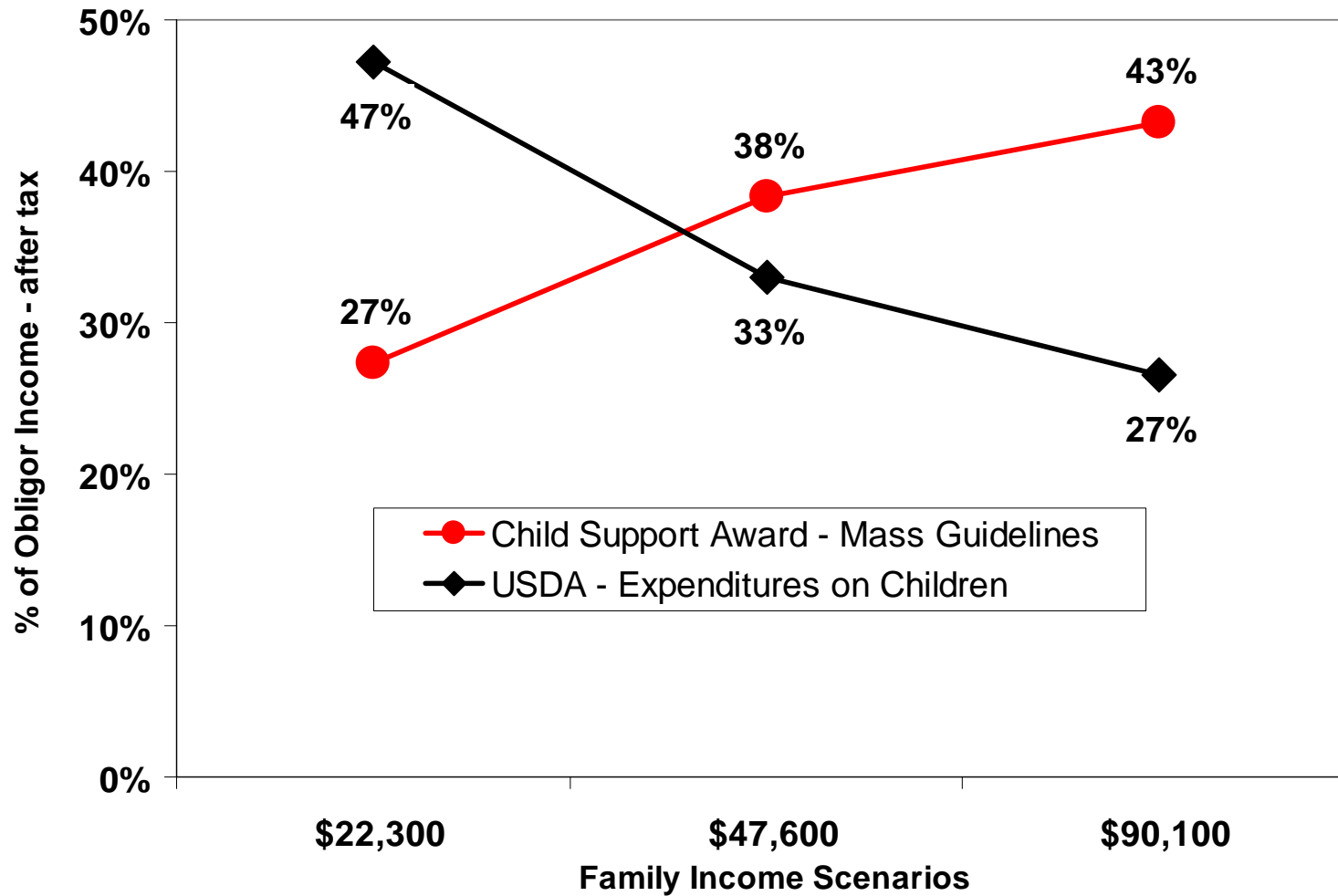


USDA Cost Estimates VS Mass Child Support Guideline



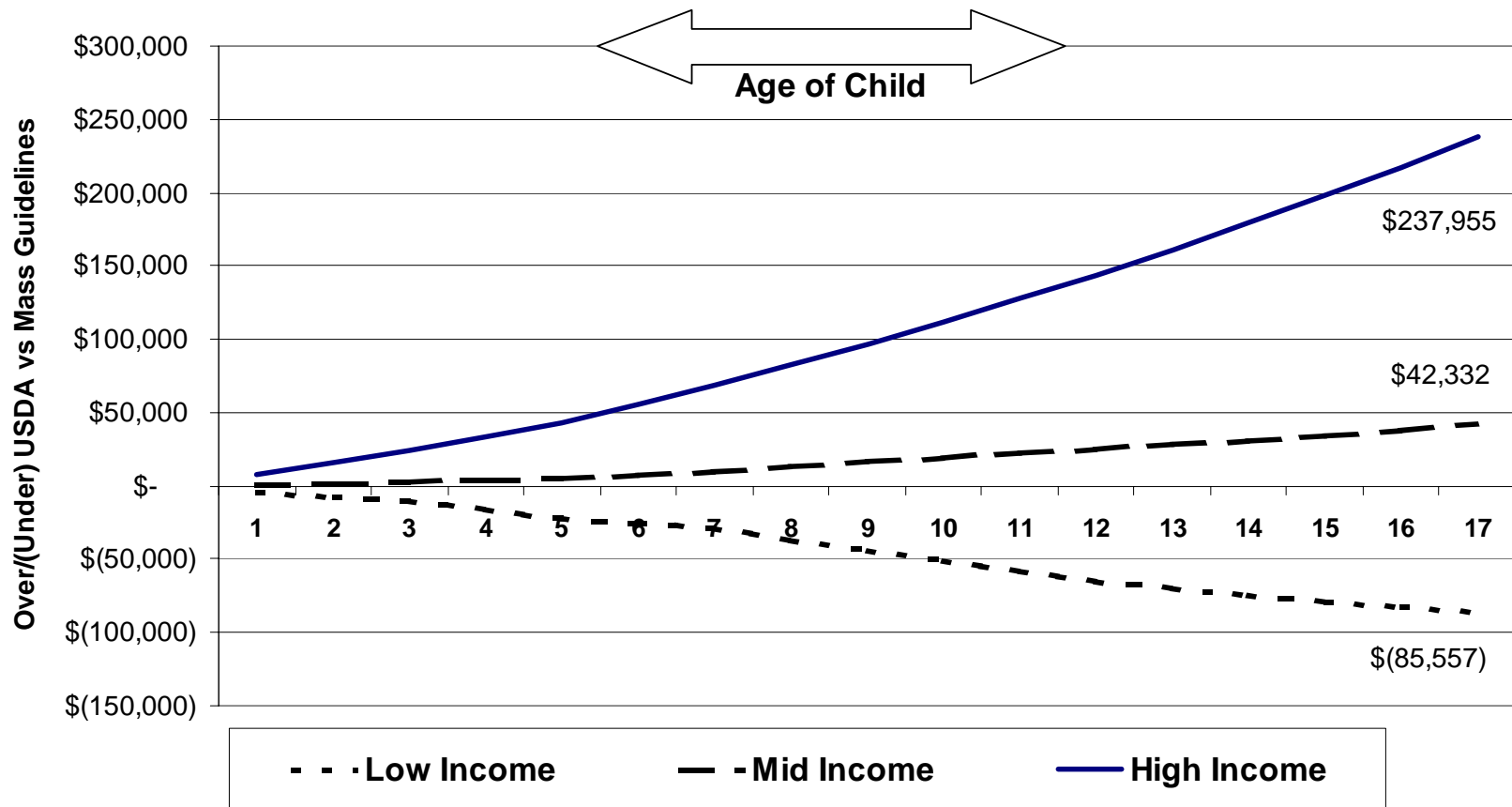
USDA Estimated Expenditures on Children; 1998. Figures adjusted for single child scenario, as described in Report.

Presumptive Awards and USDA Expenditures on Children versus After Tax Income

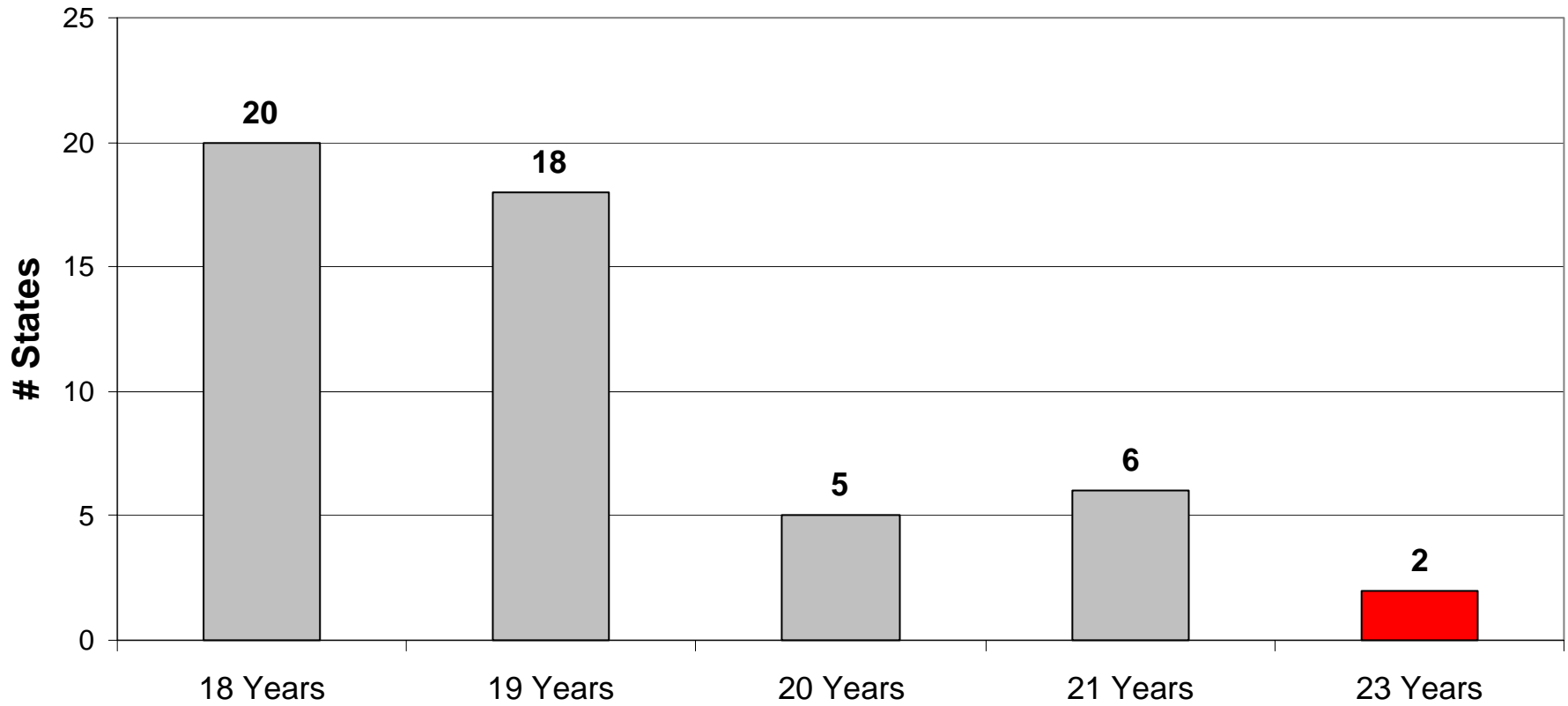


Mass Child Support Guideline Obligations versus USDA Expenditures on Children

(\$ cummulative age 1-17)



Number of States by Age of Child Support Emancipation



Source: SupportGuidelines.com; "WHAT CONSTITUTES EMANCIPATION TO RELEASE A PARENT FROM A CHILD SUPPORT OBLIGATION"

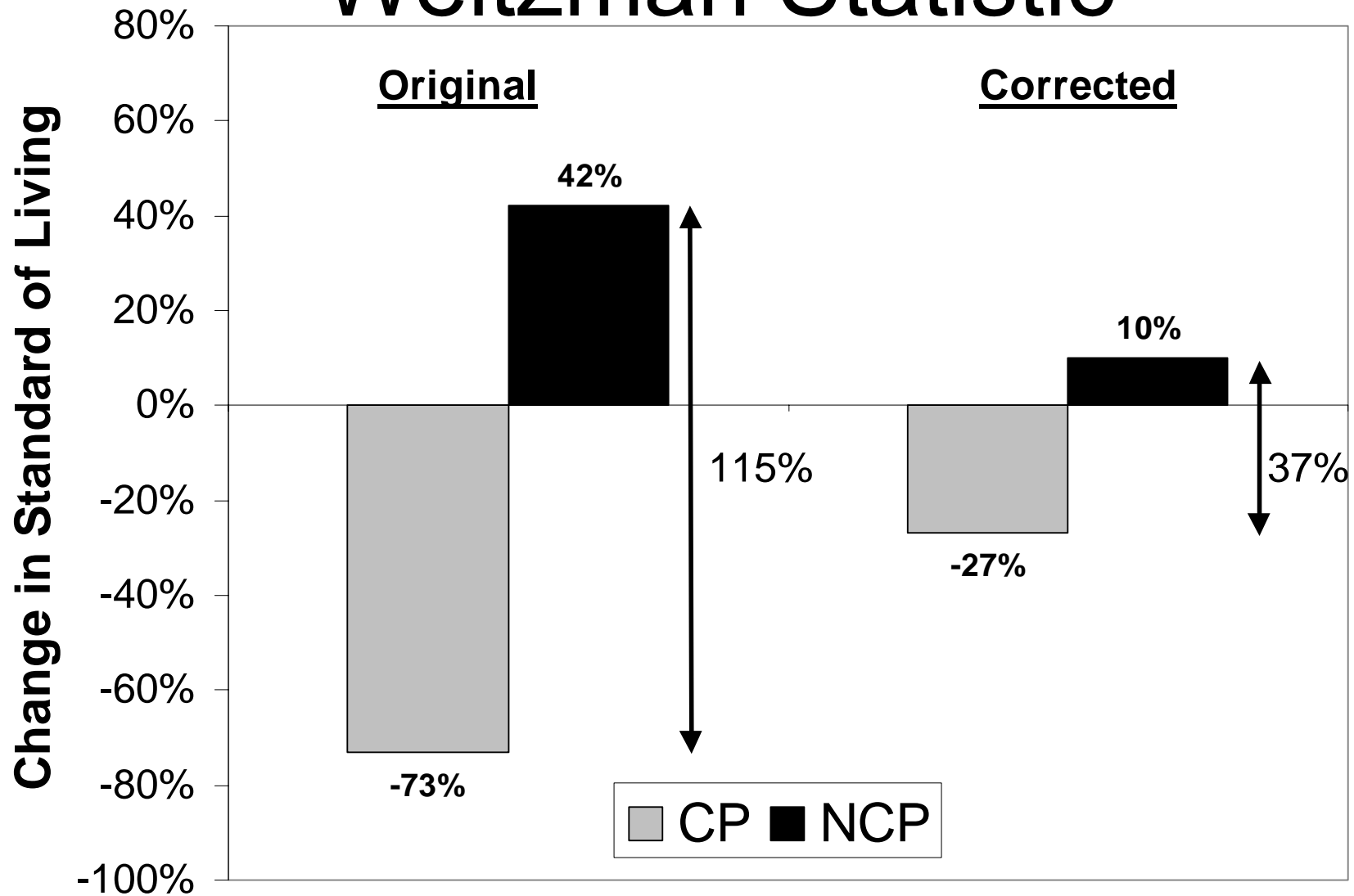
Benchmark Conclusions

- **Mass formula does not reflect commonly accepted patterns of spending on children**
- **Mass formula is extreme and inconsistent**

Governor's Child Support Commission 1985 Recommendations Report

- Guidelines sub-committee recommendations not used:
 - Actual guidelines higher
 - Actual guidelines include escalation clause
 - Actual guidelines sets aside first \$15,000 of custodial parent income
- There is no documented basis for the Massachusetts child support guidelines.

Weitzman Statistic



From 1997 Review.....

- 67 comments received for the 1997 review, many from DOR and Court Officials - less than .01% participation rate
- Court compared Mass with five other states, and reviewed 10 randomly selected cases, but will not identify what states were compared and what they assumed.
- Court compared Mass guidelines with USDA cost estimates, but will not discuss their findings.

1997 DOR Recommendations

- Prohibit agreements between parties if award not consistent with guidelines (*DOR Rec # 1*)
- Eliminate the requirement that, to obtain a modification, there must be a 20% discrepancy between the existing order and the guidelines amount (*DOR Rec # 2*)
- Increase the \$15,000 disregard to \$21,690 (*DOR Rec # 4*)
- Cap the health care credit to NCP at \$25. (*DOR Rec # 6*)

Partial list; the DOR made 9 recommendations, 4 of which are listed here.

- **The issue is not whether the Mass guidelines are too high or too low....this issue is what the process is by which they are determined.**

Recommendation #1

- Review Process should be Transparent
 - Define Review Process
 - Encourage Public Input

Recommendation #2

- Document how guidelines are determined and what they are based on:
 - Explain assumptions
 - Identify specific costs, where appropriate

Recommendation #3

- Clarify accountability over review process:
 - Who runs the show? (DOR or CJAM?)
 - Consider moving Review Process to Legislature or Executive Branch

Recommendation #4

- Consider adopting Income or Cost sharing approach, whereby total child support is computed and shared between parents.