

# Minutes

## Child Support Schedule Workgroup Subcommittee: Residential Credit

Friday, May 19, 2023 11:15am - 1:30pm

Green River College  
12401 SE 320th St, Auburn, WA 98092  
Salish Hall, Room 250

Teams Webinar | [Miro Board](#)

### Attendance

#### Members Appearing:

Jennifer Turner	Carol Ann Slater	Kathleen O'Shea Senecal
Gaston Shelton		<i>Facilitator: Rachel Tumbleson</i>
		<i>Notetaker: Ian Hall</i>

Public Attendees: None

### Agenda Details

- **Discuss Workgroup Feedback**
  - Partial days as overnights
    - Sounds like overnights are the easiest/most simple way to handle
    - Still allow for additional stipulation in court/hearing
  - Parenting Plans vs Evidence providing for Administrative Law Judges (ALJ)
    - ALJs defer to parenting plan as a starting point
    - ALJs can enter evidence in finding of fact, if they differ from parenting plan
    - Seems like full group was convinced
      - If full group wants to require parenting plan: it is a deal breaker for this group
      - Group's goal was to be easier to pursue administratively/pro se, parenting plans increase burden on those parties
      - Can we have an affidavit for residential schedule as part of worksheet
    - Bigger barrier for unwed parents
    - Maybe need to go over Administrative Process w/ full group
  - Can we grant Office of Administrative Hearings (OAH) authority similar to the courts in this fashion?
    - OAH is statute-based organization and can't deal with family/parenting/parentage
    - Part of the hesitance communicated is budgetary, they do not currently have the staff/processes/etc.
  - Question: If parties agree they can get a credit?
    - Group could recommend a presumption of residential schedule
    - Is there way to phrase the language based on previous failures to meet residential credit?
      - Have it be a rebuttable presumption (very similar to abatement)
  - Would OAH have an issue if a parenting plan exists and OAH makes a determination different from the parenting plan?
    - If ALJ puts deviation into an order, is this the ALJ modifying a court ordered parenting plan?
    - Executive Summary would include requesting RCW changes granting authority to OAH

- Does OAH suffer the same type of litigious cases as the court system?
  - There are levels of review in DCS process to ensure these cases don't bog down OAH
- 10% of weeknights missed over 90 days
- What type of protections exist if the CP withholds custody? Gives more custody?
  - More custody could be reason to increase credit
  - CP withholding nights would need to be resolved with formal parenting plan, through court
- Adding language to orders
- 'Pattern of behavior' language similar to truancy would be good, allows for further discretion for ALJ
- **Next Steps**
  - Check consensus with Full Group
    - Temperature check on Parenting Plans
    - 10% Change in residential schedule (or significant pattern) over 30 days
    - Adding Warning Language in Orders – 'Six-month claw-back'
    - No threshold for kicking in
  - Draft Recommendations