

Child Support Schedule Workgroup Minutes

Location:	Seattle DCS Office, 500 1st Ave S, Seattle – 6 th floor, Room 602 Meeting also available by webinar: Click this link: Join WebEx meeting and reference the below access info Meeting number (access code): 801 731 855 Meeting password: CSSWG@8919 For <u>audio-only</u> , call toll free 1-855-929-3239
Date:	Friday, August 9
Time:	9:00 am – 2:00 pm (room will be open at 8:30 am)

Members appearing by phone	Crissy Anderson, Mia Harper, Representative Christine Kilduff, Senator Claire Wilson
Members appearing in person	Administrative Law Judge Jeff Manson, Anneliese Vance-Sherman, Christy Carpenter, Commissioner Tami Chavez, Janelle Wilson, Sharon Redmond
Members not appearing	Judge Richard Okrent, Kristofer Amblad, James Chott, Keoki Kauano, Representative Jeremie Dufault, Sandra Johnston, Senator Maureen Walsh, Shelby LeBret-McCrea, Tara Miller, Terry Price
Division of Child Support staff	Kimberly Curtis, Mindy Houx, Nancy Koptur, Nicole Enlow
Public attendees	Beth Helm

Agenda details:

1. Welcome (9:00 – 9:10 am):

- a. Welcome and housekeeping
- b. August 9 meeting agenda review – spotlight goals:
 - i. Discuss and rank remaining Temporary Abatement subcommittee recommendations
 - ii. Discuss and clarify identified action items in “love/like it” recommendations
 - iii. Discuss “problematic” recommendations
 - iv. Discuss “doubtful/won’t agree to it” recommendations (if time)

2. July meeting - summary (9:10 – 9:20 am)

- a. July 2019 meeting minutes – feedback, questions and agreement
Group agreed that draft meeting minutes can be posted as final
- b. Pending items:
 - i. Subcommittee reports – sent out and posted to the public page. These are important to help summarize findings for discussion and drafting the final report.
[Temporary Abatement for Dependency Income, Imputation, and the Self-Support Reserve](#)
[Substantially Shared Parenting and Residential Deviation Definition](#)
 - ii. Travel requests

3. Scheduling and logistics (9:20 – 9:30 am)

- a. In person workgroup meeting:
 - i. Thursday, August 29 – Tacoma DCS Office (FINAL SCHEDULED MEETING)
- b. Public forums:

- i. Thursday evening, August 8 at 5:00 pm – North Seattle College (DONE)
 - ii. Saturday morning, August 10 at 10:00 am – Spokane Falls Community College
- c. Travel

4. Timeline review (9:30 – 9:35 am): discussed having a draft report sent out to workgroup members by Monday, the 19th so they have time to review prior to the August 29th workgroup meeting. The final report is due to the Legislature October 1st, 2019.

5. Seattle Public Forum - debrief (9:35 – 9:50 am)

Plus	Delta
Format was comfortable for participants, presenters, and workgroup members	Comment to public that workgroup members are taking notes and listening even if they aren't engaging in conversation
Setting expectations – kept it relevant and constructive	Clarify portion on limited dialogue
Had participants	Tricky to listen to their stories and not respond
Enjoyed hearing that a participant saw the bigger picture by attending the workgroup meetings	Provide copy of presentation to workgroup members
	Click and show public where the website is

Break (9:50 – 10:05 am)

6. Emerging recommendations - discussion and consensus building (10:05 – 11:30 am)

- Voting system is 1 to 5
 - 1 = I won't agree to it
 - 2 = It's doubtful
 - 3 = It's problematic
 - 4 = I like it (I can live with it) which is consensus
 - 5 = I love it (full support) which is consensus
- Reviewed where recommendations were ranked in the July workgroup meeting and where discussion left off, to be continued at this meeting

Discuss and rank remaining Temporary Abatement subcommittee recommendations

Recommendation on notice to the parties about child support

- Discussion
 - Who is "the state" referring to?
 - A colloquy may cover the need for notice as it is informing parties of their rights
 - This may be beyond the scope of the workgroup as it needs to be in a non-child support statute, but group agreed they would like this in the recommendations
 - The pattern forms committee, judges, and commissioners would need the notice obligation to be required by law (in statute)
 - Could a subcommittee continue this work? Can ongoing participation be sustained for an extended period of time?
 - Historically the workgroup has been during a one year time period and after the report is delivered their work is considered complete
 - There have been requests where the legislature called members together to ask questions about the recommendations and stakeholder opinions

- Maybe there is a recommendation to continue work on this topic
 - Group agreed people in dependency need to know about child support
- Group agreed to place in the 3 chart

Give original jurisdiction to the dependency court

- Discussion
 - The dependency court has limited child support knowledge
 - Would have to consider stakeholders such as defense attorneys to see if it is within their scope
 - This would take away notice requirements
 - What if there is a preexisting order? What would happen to the support obligation?
 - DCS would have to get notice that support changed to ensure accurate debt
 - Would require a different type of case in the court system
 - Lots of procedural issues
- Group agreed that child support during a dependency action is an issue
- Group agreed to add this as a general concept and new recommendation in the 3 chart

Discussion of 4 and 5 rated recommendations

Defining full time as not necessarily 40 hours per week

- Group rating was all 5s – group reached consensus

Added factors in RCW 26.19.071 (6) for imputation of income

- Group rating was all 5s – group reached consensus

32 hours per week at minimum wage for some individuals in RCW 26.19.071 (6d)

- First vote: 5, 5, 5, 5, 5, 5, 4, 3, 3
- Vote after education language was adjusted: all 5s, group reached consensus
- Discussion on high school student language
 - Need to ensure child support obligation is not a barrier to education
 - Language ideas considered
 - Students pursuing their GED – concern is that anyone, at any age can go get their GED and it is not necessarily full time
 - Enrolled in full time educational pursuit – concern is individual could be any age
 - Include factors the court must consider before imputing income to these individuals
 - Consider household income and/or resources available if the parent is a minor
 - Consider a cross reference to the wage and hour law
 - Add educational attainment and/or high school graduate to the list in 6
 - Concern on adding broader education language as it includes post-secondary education
 - Use requirements similar to the post-secondary statute
 - Consider changing the imputation rate for the high school student
 - The way it's written may encourage individuals to stay in high school – if they drop out they would be at risk of being imputed to 40 hours at minimum wage
 - Section 6 provides the courts the opportunity for flexibility based on the parent's circumstances
 - Current statute imputes high school students at 40 hours per week
 - Important to remember both sides of the equation (both parents)
 - Long term issue is parents attaining education leads to employment to get out of poverty
 - Group agreed to create a separate section for high school students (as a new #7 after imputation) and take high school student out of section D

- (6)(d): delete “, or is a high school student or recent high school graduate.” (Add “or” before “has recently been released from incarceration” and add a period.)
- Add: (7) When a parent is under 21 years old and currently enrolled in high school, the court shall consider the totality of the circumstances of both parents when determining whether the parent is voluntarily unemployed or voluntarily underemployed. If the parent is determined to be voluntarily unemployed or voluntarily underemployed, the court shall impute income at earnings of twenty hours per week at minimum wage in the jurisdiction where the parent resides as a rebuttable presumption.

Lunch – break/preparation (11:30 – 11:50 am)

7. Emerging recommendations – continued (11:50 am – 1:20 pm) – working lunch

RCW 26.19.071 (6e)

- Group rating was all 5s – group reached consensus on adjusted language stating “or has no significant earnings history”
- Discussion
 - Concern that term “relevant earnings history” opens it up too much
 - Using the term “earnings” doesn’t include other types of income such as SSI
- Goal is for never employed individuals income to not be imputed at median net

Self-support reserve at 175% of the Federal Poverty Level

- Group rating: 5, 5, 5, 5, 5, 5, 5, 3
- Discussion
 - Concern 150% would create no change so would prefer not to put it as a recommendation
 - 175% may be hard on custodial parents
 - Schedule must be the same across the state so unable to address geographical disparities
 - Remember both sides of the equation (both parents)
 - Currently a full time at minimum wage order is \$381 per month
 - This creates an order where individuals don’t have the ability to pay which means money is not going to the household and it creates uncollectible debt
 - If the paying parent had an obligation they could actually pay, the money would go to the custodial parent creating more consistent and steady payments
 - Self-support reserve as a concept is an issue and one way to help it is to fix the schedule
- Group agreed to place in 1/2 chart and make no recommendation as 150% won’t create a change and consensus not reached for 175%

Prohibition to apply a residential deviation for TANF recipients

- Group rating is all 5s – group reached consensus
- This is the current language and is conditional on the other recommendations for this subcommittee reaching consensus

Insufficient resources in either parent’s household

- Group rating is all 5s – group reached consensus
- Current statute is insufficient resources in the residential parent’s household
- This item is not conditional on the other recommendations for this subcommittee reaching consensus

Consider the totality of circumstances for both parents when considering a residential deviation

- Group agreed to place in the 3 chart and pair it with the threshold recommendation

Colloquy with parents in a dependency action

- Discussion

- Are we asking for statutory language in child support statute or 13.34 (which is out of scope)?
- Group agreed it is helpful to share ideas that reached consensus even if it is in another statute
- If group doesn't reach consensus on current support and/or the arrears adjustment the colloquy could tell parties the basics on child support
- Colloquies are required in other situations as a conversation to convey rights, make sure party understand them, and ensure they waive them appropriately
- Statutorily the cleanest option would be DCS petitioning superior court for the dependency court to address child support as they have a higher likelihood of parental attendance and knowing the parent's circumstances
- Concern on staying child support obligation during the 75 days at dependency court is that DCS would have to be served and there are many variables that would need to be considered for accurate debt including multiple parents with multiple foster care time periods

Statement of problem – child support obligations during dependency may inhibit reunification

- Group agreed to place on 4/5 chart

Notice to be provided through a colloquy by the dependency court to the parent about the child support obligation, administrative process, and objection process

- Group agreed to place on 3 chart

Explore whether the child support obligation determination should be given to dependency court

- Group agreed to place on 3 chart

Current support obligation adjustment during dependency action

- Group agreed to place in 3 chart

Note: the workgroup agreed that additional discussion would be helpful at the next meeting when members of this subcommittee were in attendance.

8. Confirm current recommendations and next steps (1:20 – 1:30 pm)

Items that reached consensus

- Defining full time as not necessarily 40 hours per week
- Added factors in RCW 26.19.071 (6) for imputation of income
- 32 hours per week at minimum wage for some individuals in RCW 26.19.071 (6d)
- Creating a separate section for imputation of income to high school students
- RCW 26.19.071 (6e) – or has no significant earnings history
- Prohibition to apply a residential deviation for TANF recipients
- Insufficient resources in either parent's household

Items that ended up in the 4/5 chart

- Child support obligations during dependency may inhibit reunification

9. Public comment (1:30 – 1:50 pm) – time dependent on participation

Beth Helm

- Not supportive of the 175% self-support reserve
- Not in agreement with the 35% shared parenting threshold
- Not enough custodial parent protection if the residential credit results in insufficient resources
- Don't agree with hourly instead of overnight calculation for residential time
- Generally supportive of the temporary abatement and income recommendations aside from 175% self-support reserve

10. Closing (1:50 – 2:00 pm)

- a. Accomplishments and decisions: identified consensus recommendations
- b. Next steps and action items: draft report, feedback, consult stakeholders, and 08/29 meeting