

# Child Support Schedule Workgroup Minutes

<b>Location:</b>	Tacoma Division of Child Support, 1949 S State St, Tacoma – Room 307 Meeting also available by webinar
<b>Date:</b>	Friday, July 26
<b>Time:</b>	9:00 am – 3:00 pm (room will be open at 8:30 am)
<b>Members appearing by phone</b>	Anneliese Vance-Sherman, Commissioner Tami Chavez, Senator Claire Wilson, Terry Price
<b>Members appearing in person</b>	Administrative Law Judge Jeff Manson, Christy Carpenter, Crissy Anderson, Janelle Wilson, Judge Richard Okrent, Mia Harper, Sandra Johnston, Sharon Redmond, Representative Christine Kilduff
<b>Members not appearing</b>	James Chott, Keoki Kauano, Kris Amblad, Representative Jeremie Dufault, Senator Maureen Walsh, Shelby LeBret-McCrea, Tara Miller
<b>Division of Child Support staff</b>	Kimberly Curtis, Matt Parascand, Mindy Houx, Nancy Koptur, Nicole Enlow
<b>Public attendees</b>	Beth Helm, Jim Clark, Kyle Paskewitz

## 1. Welcome (9:00 – 9:10 am):

### a. Welcome and housekeeping

Welcome Christy Carpenter to the workgroup as a replacement for Ann Farnsworth representing Family Law Executive Committee.

### b. July meeting agenda review – spotlight goals:

- i. Summarize subcommittee recommendations
- ii. Present and discuss subcommittee recommendations
- iii. Identify workgroup level of consensus around subcommittee recommendations
- iv. Identify priority recommendations and next steps

## 2. June meeting - summary (9:10 – 9:15 am)

### a. June 2019 meeting minutes – feedback, questions and agreement

### b. Pending items:

- i. Confirm details for public forum locations and begin making travel arrangements  
Group agreed that meeting minutes from June can be posted as final.

## 3. Scheduling and logistics (9:15 – 9:25 am)

### a. In person workgroup meetings:

- i. Friday, August 9 – Seattle DCS Office
- ii. Thursday, August 29 – Tacoma DCS Office

### b. Public forums:

- i. Thursday evening, August 8 at 5:00 pm – North Seattle College
  - ii. Saturday morning, August 10 at 10:00 am – Spokane Falls Community College
- Workgroup members should arrive no later than 30 minutes prior to start time of the public forum. Deadline is August 1<sup>st</sup> for travel requests.
  - Subcommittee positioning: use 1 to 5 cards give your opinion about recommendations. 1 = I won't agree to it to and 5 = I love it. Will use these to place in flip charts:
    - 1s and 2s = I won't agree to it and It's doubtful
    - 3s = It's problematic

- 4s and 5s = I like it and I love it

c. Travel

#### 4. Timeline review (9:25 – 9:30 am)

#### 5. Subcommittee meeting and report out preparation (9:30 – 10:30 am)

#### Break (10:30 – 10:45 am)

#### 6. Subcommittee report out and workgroup discussion (10:45 – 11:30 am)

a. Income, imputation and the self-support reserve

RCW 26.19.011: definitions – defining full time as not necessarily 40 hours per week

- Group rating: mostly 5s, some 4s, one 3
- Discussion on item
  - May be problematic as there is no discretion to look at this on a case by case basis
  - Who determines if it is not full time?
  - Already law under Schumacher
- Group agreed to place in 4/5 chart

RCW 26.19.071(6): imputation of income updates – struck work history and added items to align with the federal directions such as assets, residence, job skills, educational attainment, and health.

- Group rating: all 5s
- Discussion on item
  - It should be based on all of the additional criteria and the list is in no particular order
  - Consider adding language “in no certain order of importance” or “considerations including but not limited to”
  - Current incarceration – could be addressed by criminal record, but some view this as history of and not current incarceration
    - Group agreed other relevant factors would cover this
- Group agreed to place in 4/5 chart

RCW 26.19.071 (6d): 32 hours per week at minimum wage in the jurisdiction where the parent resides if the parent is on or recently coming off TANF or ABD assistance benefits, Pregnant Women Assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a high school student. The use of 32 hours as full time earning is a rebuttable presumption.

- Group rating: mostly 5s, one 3
- Discussion on item
  - Language about recently off TANF and jurisdiction are in current statute language
    - Recent is at judge’s discretion
  - Put acronyms and full definition in the statute language
  - Recent graduate language
    - Removed based discussion at last meeting and not in current statute
    - If someone is in college would be imputing to their historical wage
    - Will this impact their education potential? It is an advantage for both parties to get as much education as possible
    - This is the issue for the rating of 3
- Group agreed to place in 4/5 chart with a note to have additional discussion on the educational attainment piece

RCW 26.19.071 (6e) – added “or has never been employed and has no earnings history”

- Group rating: 5s
- Discussion on item: goal is to help those falling in to median net but have no income
- Group agreed to place in 4/5 chart

RCW 26.19.065: Self-support reserve at 175% of the federal poverty level

- [Self-support reserve \(SSR\) summary](#): assuming current federal poverty level
- Group rating: mostly 4s and 5s, but some 3s
- Discussion on item
  - Reviewed handout showing order amounts based on different percentages of the federal poverty level (would take the current minimum wage order from \$381 to \$207 per month)
  - This is one way to mitigate the issue of minimum wage increasing and creating large orders
  - Concerns
    - Difference between cost of living for east/west side of the state
    - 150% doesn't change circumstances for the full time worker
    - No matter where SSR is it creates a cliff effect
- Group agreed there is a bigger discussion needed on self-support reserve and what the best option to use is but it is beyond the scope of the current workgroup – flag for the next workgroup
- Group agreed to place SSR at 175% in 4/5 chart – need to discuss geographical disparities

### Lunch – break/preparation (11:30 – 11:45 am)

## **7. Subcommittee report out and workgroup discussion (11:45 am – 1:45 pm) – working lunch**

a. Substantially shared parenting and residential deviation definition

Calculating residential time by hours instead of overnights

- Group rating: range 1 to 5 but mostly middle range
- Discussion on item
  - Subcommittee recommended overnights due to new case law on relocation
    - Workgroup suggests there is a big difference between relocation and residential schedule
  - Members asked questions on how to calculate situations such as only considering waking hours or counting time a child is sleeping
    - Subcommittee discussed this and suggests this is counted as “on duty” time as they are the parent who is responsible for the child
  - Sounds difficult to calculate this way and some members find this problematic
  - May consider the idea of in addition to overnights the court may consider if a parent has a lot of daytime hours
- Group agreed to place in 1/2 chart

35% threshold for significantly shared parenting: meeting it triggers the potential for a residential deviation

- Group rating: 2s to 5s
- Discussion on item
  - How do you factor in vacations and if the paying parent has the child for the summer?
  - How does this idea fit with other states?
  - Judges want to exercise discretion and the many factors that could be considered
- Group agreed to place in 3 chart

Prohibition to apply this deviation for TANF recipients

- Group rating: 5s
- Group agreed to place in 4/5 chart

Insufficient resources

- Group rating: 4s and 5s
- Discussion on item
  - Current statute language is insufficient resources in the residential parent's household
  - Goal is for parents to be equal when they have a 50/50 residential schedule and both have insufficient resources – credit should be able to be given to NCP in this situation
- Group agreed to place in 4/5 chart

Right to adjustment if residential time is not exercised

- Group rating: 1 to 5 – mostly 4 to 5
  - 1 believes contempt is the appropriate format as an adjustments creates too many procedural issues for the court system
- Discussion on item
  - Reasons for adjustment option instead of modification: shorter time requirement, no filing fee, and it is an easier process to go through
    - There would be no new considerations on the child support order as part of the motion
  - Could this be a basis for contempt for not following the parenting plan instead?
  - Maybe there could be a shortened requirement for adequate cause as it relates to the child support
  - Could pattern forms be adjusted to say residential deviation may be taken away if not followed?
- Group agreed to place in 3 chart

Consider the totality of circumstances for both parents if the threshold percentage is met

- Group rating: 4s and 5s
- Group agreed to place in 4/5 chart

#### b. Temporary abatement/dependency

Conduct a colloquy with parents/custodian to determine extent of their indigence and ability to pay

- Group rating: 4s and 5s
- Discussion on item
  - This is for individuals who are in a dependency action
- Group agreed to place in 4/5 chart

Courts can stay, deviate, abate, or eliminate current support owed for those parents/custodians who successfully complete the dependency process

- Group rating: 4s and 5s
- Discussion on item
  - Change/remove abate as it is current support and being determined now so it's not abating
- Group agreed to place in 4/5 chart

Courts can stay, deviate, abate, or eliminate child support arrearage owed to the State of Washington by those parents/custodians who successfully complete the dependency process

- Group rating: 2s to 5s, multiple 2s/3s
- Discussion on item
  - Goal is to help eliminate barriers for the child returning to the parent's household
    - There are many other barriers for these individuals including previous debt accrued not during the dependency action
  - This language changes the current process of requesting a conference board where the arrearages may or may not be written off to a court option to adjust the arrears

- Clarify in language that it is arrearages accrued during present dependency or current dependency episode with an anticipated successful return of the child
- An option could be to mandate DCS to make a decision on their own on whether to waive the arrears and party would have an appeal right that would go to an ALJ if requested
  - This option wouldn't be as immediate but may help group reach consensus
- Clarified this is not a retroactive modification
- Concerns about payments being made and having to refund money that creates overpayments and that the vested state interest would be adjudicated
- There are limitations on existing DCS data as it relates to foster care write offs
- Group agreed to place in 3 chart
- Provide language to this subcommittee if you have suggestions
- Group agreed to discuss notice recommendations at August 9<sup>th</sup> meeting

### **Break (1:45 – 2:00 pm)**

### **8. Prioritize recommendations and next steps (2:00 – 2:30 pm)**

- Subcommittee reports – will be sent out to the workgroup to review by August 9<sup>th</sup> workgroup meeting. These reports are important for drafting the final workgroup report.
- Email feedback on three recommendations not discussed from temporary abatement subcommittee to Sandra by the 9<sup>th</sup> and cc Mindy Houx and [supportschedule@dshs.wa.gov](mailto:supportschedule@dshs.wa.gov)
- Feedback for other subcommittees go to the facilitator of that subcommittee

### **9. Public comment (2:30 – 2:50 pm) – time dependent on participation**

Jim Clark: provided handouts for residential schedule adjustment and discussed his experience as a 50/50 parent in the court system.

Beth Helm (member of legal services community):

- Shared Parenting Subcommittee Recommendations
  - Concerns around the 35% threshold and view it as a big difference between 50/50 and 35%
  - Concerns on resources impact on custodial parent (the parent with residential time )
  - Concern on calculating on hours versus overnights
  - Residential time may fluctuate between school year, summer, and week to week
  - Major burden on custodial parent if residential time is not exercised
- Concerned that 175% self-support reserve may be hard on custodial parents but 150% makes sense

### **10. Closing (2:50 – 3:00 pm)**

- a. Accomplishments and decisions
- b. Next steps and action items