

# Child Support Schedule Workgroup Minutes

<b>Location:</b>	Tacoma Division of Child Support, 1949 S State St, Tacoma – Room 307 <b>Meeting also available by webinar:</b> Click this link: <a href="#">Join WebEx meeting</a> and reference the below access info Meeting number (access code): 800 021 777 Meeting password: CSSWG62119 For <u>audio-only</u> , call 415-655-0001 or toll free 855-929-3239
<b>Date:</b>	Friday, June 21
<b>Time:</b>	9:00 am – 3:00 pm (room will be open at 8:30 am)
<b>Note:</b>	Coffee and light refreshments will be provided for the workgroup starting at 8:30 am. Lunch will be provided for the workgroup.

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

## 1. Welcome (9:00 – 9:30 am):

- a. Welcome and housekeeping
  - Discussed public emails – review and consider in subcommittees and the full workgroup.
  - Kris Amblad will be unavailable to participate in the workgroup until the public forums in August.
- b. June meeting agenda review – spotlight goals:
  - i. Present subcommittee draft final reports
  - ii. Provide feedback to subcommittee draft final reports
  - iii. Identify subcommittee next steps

### Reminder of overall workgroup goals:

- Review the child support guidelines and the child support review report and determine if the application of the child support guidelines results in appropriate support orders.
- Report workgroup findings and recommendations to the legislature, including recommendations for legislative action, if necessary, by October 1, 2019.

## 2. May meeting - summary (9:30 – 9:40 am)

- a. May 2019 meeting minutes – feedback, questions and agreement  
Group approved May minutes for posting to the public page as final.
- b. Pending items:

- i. Confirm details for August 29 workgroup meeting location
- ii. Confirm details for public forum locations

### **3. Scheduling and logistics** (9:40 – 9:50 am)

- a. In person workgroup meetings:
  - i. Friday, July 26 – Tacoma DCS Office
  - ii. Friday, August 9 – Seattle DCS Office
  - iii. Thursday, August 29 – Tacoma DCS Office (location confirmed)
- b. Public forums:
  - i. Thursday evening, August 8 – (Seattle)
  - ii. Saturday morning, August 10 – (Spokane)

The Division of Child Support staff is working to confirm locations for the public forums.

- c. Travel: requests and reimbursement

### **4. Timeline review** (9:50 – 10:00 am)

- a. Milestones and deadlines
  - Reviewed [timeline](#) – there is about 1.5 months before the draft report is due in order to have it available for the public forums.
  - Subcommittee draft reports – workgroup reviewed the subcommittee final report document. Workgroup agreed to using and completing this document to have consistency between the subcommittees. This will help with compiling the subcommittee reports to create the draft final report.

### **5. Consensus resource – review** (10:00 – 10:15 am)

- The focus of the July 26<sup>th</sup> meeting will be discussing recommendations, identifying priorities, and building toward consensus recommendations for the final report.
- Reviewed [consensus document](#) that was introduced early on in the workgroup.
- Workgroup members discussed consensus:
  - Consensus is important to have for the recommendations to move forward in the legislature.
  - Members see the benefit of having items that were considered but did not reach consensus in the report to document the research and work around that topic. This will help future workgroups if they work on a similar topic and shows issues workgroups continue to consider. This workgroup has looked back at prior workgroup materials and recommendations.
  - It is important to reflect the full conversation the workgroup had to maintain perspective.
- Discussed workgroup members presenting at the legislature on the workgroup and recommendations.

### **Break (10:15 – 10:30 am)**

### **6. Subcommittee report out** (10:30-11:30 am)

During the subcommittee report outs consider:

- Are the emerging recommendations clear to you?
- What is your response to the emerging recommendations?
- What questions do you have?

- What further information you do need?
- What gaps exist?

a. Income, imputation and the self-support reserve (60 min, including feedback)

Discussed draft language on high-school students, recent graduates, and minor parents

- The goal of this language is to not have the child support obligation be a barrier to the high school student staying in school. Education is critically important for the student's long term success.
- Members agreed that high school students shouldn't have an automatic \$0 child support order. Using \$0 for one parent means the daycare, medical, and other costs fall 100% of the other parent.
- The statute should allow judges to have discretion to consider student's household circumstances.
- Discussed taking out "recent graduate" in the draft language. This could be interpreted in multiple ways including recent college graduate and different interpretations on the meaning of the word recent.
- Adjusting the self-support reserve may have an impact on this figure.
- Current language is silent to the issue of the application of the self-support reserve and allows the court the discretion on applying the self-support reserve depending on if a high school parent is being supported by their family.

Discussed [wage/income information](#) provided by the Economic Services Administration Accountability and Performance Statistics Unit (EMAPS)

Discussed the application of the self-support reserve

- Federal government may be changing how the poverty level is calculated.
- Current self-support reserve leads to too high of orders for low income individuals, especially for those in cities with a high cost of living. High orders may lead to emotional stress, increased uncollectible debt, impact on children and families, and not meeting performance measures.
- Members reviewed the worksheet tool built by a DCS staff person.
  - If parents are imputed at full time minimum wage (\$12 per hour) for one child
    - 125% self-support reserve (SSR) results in an order of \$381 per month and if SSR doesn't apply it is \$467 per month. This is the current state.
    - 150% self-support reserve results in an order of \$207 per month.
    - 175% self-support reserve results in an order of \$50 per month which is the current presumptive minimum.
  - Future scenarios workgroup members would like to see:
    - \$15 per hour (Seattle's minimum wage).
    - Current order for a high school student if they are imputed to 40 or 32 hours per week.

Workgroup members input on the income subcommittee report out:

- Members would like to see more worksheet scenarios but approve of the recommendations so far.

What are the next steps for this subcommittee?

- Create more worksheet scenarios for the current self-support reserve (SSR), 150% SSR, 175% SSR and different wage levels.
- Develop a recommendation for the self-support reserve.
- Host a WebEx meeting to go through the worksheet scenarios including self-support reserve and high school students.
- Complete the subcommittee final report document.

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

## **7. Subcommittee report outs (11:50 am – 1:50 pm) – working lunch**

- a. Substantially shared parenting and residential deviation definition (60 min, including feedback)

Discussed the definition of insufficient funds

- The subcommittee attempted to define this term but decided it created more issues such as defining family size, which children to consider, and how to define insufficient.
- Subcommittee decided to make this at the discretion of the court due to the complications of defining this term.

Discussed draft language

- Reviewed [shared parenting scenarios](#) and recommend a 35% threshold for substantially shared parenting as it is only one 24 hour period off of a 50/50 residential schedule.
- Changing the term moving forward from substantial so it is separate from the Relocation Act, but prior material will keep the term substantial.
- Discussed using overnights vs. hours for counting residential time to meet the 35% threshold – draft language is using hours.
- Include more specifics on time spent in school or daycare and how time is prescribed to each parent.

What happens if parent isn't exercising their right for time with the child in the parenting plan?

- This would be grounds for modification and a prior workgroup addressed this so the subcommittee will be reviewing their material.

Workgroup members input on the shared parenting subcommittee report out:

- Not all group members are in agreement at this time with the 35% threshold for shared parenting, but do see why it was chosen after reviewing the parenting plan scenarios.
- There are concerns around the modification issues if a parent isn't using their residential time.
- Questions about how to determine residential time so would like to see the draft language clearer on this topic and overnights vs. calculating hours.

What are the next steps for this subcommittee?

- Draft the language that addresses modifications when a party is not exercising their right to residential time.
- Tighten the definition language and how residential time is calculated.
- Find another name for substantial in substantially shared parenting. One idea was to use the term significant.

- Complete the subcommittee final report document.

b. Temporary abatement/dependency (60 min, including feedback)

Reviewed draft language

- Draft language is changing the statute that gives authority to the state to write off arrears owed to the state of Washington to allow the courts this authority. There is concern that the draft language may be interpreted to allow for retroactive modifications.
  - Currently, depending on individual circumstances, a parent or the state can request a conference board requesting a write off of debt owed to the state of Washington.
- The current draft language doesn't state that it is state debt only. Group agreed it should read this way and there shouldn't be authority to write off custodial parent debt.
- What happens if parent continually starts and stops complying with the dependency actions?
- Language says "DCS will conduct a colloquy" – discussed who is envisioned as conducting this and if it really is appropriate for the Division of Child Support.
- Is there a different term to use instead of colloquy?

Reviewed [cost effectiveness for foster care child support cases](#)

- Other states have shown it's not effective to collect child support on foster care cases as more is spent to collect less.
- Suggestion made to find Minnesota's language on this topic as they have implemented this concept.

Workgroup members input on the temporary abatement report out:

- Group agreed to the idea of this concept and adjusting the current obligation.
- There is concern on the arrears portion of the draft language.
- There needs to be a way to automatically revert back to the child support order if a parent isn't complying with dependency requirements.
- Group likes the mandate that a colloquy should happen and the parties aren't mandated to request it.
- Make it clearer that the specific entities have the power to abate support.
- Consider if language should be in a different statute.

What are the next steps for this subcommittee?

- Work on draft language and another term for colloquy.
  - Include more concrete, actionable details.
  - Find a different term for colloquy.
  - Consider applying changes to current support only (don't include arrears).
  - Add more details about what cases/children would be affected.
  - Add more details about what happens when compliance with dependency requirements changes.
- Review federal regulations and ensure draft language isn't in violation of those.
- Find out more about Minnesota's language and compliance with their state plan.
- Complete the subcommittee final report document.

## **Break (1:50 – 2:05 pm)**

**8. Group feedback** (2:05 – 2:20 pm) – did not have time for this.

**9. Public comment** (2:20 – 2:45 pm) – time dependent on participation

Beth Helm – Attorney at NW Justice Project

- Income: 32 hours for the groups addressed in the draft language seems appropriate. Would like the opportunity to use the worksheet tool presented prior to the July meeting.
- Parenting: reservations on this concept.
  - Concerned about the 35% threshold and would like to see protections for the custodial parent, such as a list of non-exclusive factors to help guide the courts in making their discretionary decision.
  - If the parent is not exercising the residential time burden falls back on the custodial parent to modify, which would likely mean modifying the parenting plan and child support order. This would be hard for unrepresented parties and low income individuals, especially to come up with findings that meet the modification requirements.
  - Concerned about the practicality of calculating the amount of time by hours instead of overnights.
- Abatement: supportive of this idea, understand the concerns raised, and there is a good plan to address them.

**10. Closing** (2:45 – 3:00 pm)

a. Accomplishments and decisions

- Accomplishment: created a list of next steps for all subcommittees to address outstanding questions and requests of the workgroup.
- Decision: all subcommittees to use the subcommittee final report template to complete their final report.

b. Next steps and action items

- Confirm public forum venue locations.
- Start making public forum travel arrangements after venue locations confirmed.
- Complete subcommittee final reports.