

Subcommittee Meeting: Temporary Abatement

Thursday, March 28 | 3:00-4:30 PM | via WebEx

WebEx Information:

Link: [Join WebEx meeting](#)

Meeting number (access code): 809 812 635

Meeting password: Abatement@3

Or call (240)454-0887 – toll free (855)929-3239 for audio only

Facilitator

Mindy Houx

Note taker

Sandra Johnston

Attendees: Sandra Johnston, Richard Okrent, Mindy Houx

Please read: Any items added to the Dropbox – Temporary Abatement Subcommittee folder

Agenda Items

Topic	Presenter	Time allotted
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✓ Subcommittee Guiding Docs – Review/Agreement: Note, these documents added to Dropbox. If any changes proposed, please add notes to doc's in Dropbox. Need to move towards finalizing these for addition to public site subcommittee resources.	Mindy	5 minutes
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Task list and agenda template will remain in Dropbox as living/draft doc's/resources.

- Logistics; Roles and Responsibilities
- Task list (will remain in Dropbox); agenda (template)

Dropbox is really important for shared work space, co-editing and collaboration prior to public posting. Please ensure your Dropbox is set up and if you have trouble getting into it, let Mindy know.

Prior to subcommittee meetings, please review items in "Temporary Abatement" subcommittee folder and be prepared for discussion.

Note: Also some concern RE WebEx application. Sandra and Richard will check with their IT and see if they can download it so screen sharing will be possible at subcommittee meetings.

✓ Interim subcommittee report outs – first one is at 4/29 meeting. Mindy 5 minutes
Will review preference for how this is done prior to 4/29 meeting and guidelines for what should be discussed and format for workgroup feedback in response.

✓ Discussion of research items: All [Time]
Sandra (DSHS) – research budget impacts & cost/benefit of dependency actions within DSHS.

STATUS: Pending.

Keoki (Office of Public Defense) – research stakeholder impacts.

STATUS: (Prior to meeting...) Shared email response from Jake D'Annunzio with subcommittee members for review. Jake responded to question of: If we were to wipe out arrears and suspend current support, how would that impact the stakeholders; especially those families where the kids are about to be returned? Email response saved to Dropbox. Next steps recommended by subcommittee: Request that D'Annunzio provide same email response on letter head.

Shelby (AG and DCYF/DSHS) – research stakeholder impacts.

STATUS: Unknown.

Richard (RCW's/WAC's) – research current status and case law.

STATUS:

- a) RCW 7 0.010 indicates that a Washington State Superior Court Judge has jurisdiction to grant restraining orders and injunctions. So any party can request an injunction to abate arrears, by following the rules of civil procedure. However this is an access to justice issue as those people who need to have their child support arrearages abated or eliminated are often low income or indigent and do not have the information or skill to bring this type of motion.
- b) RCW 26.19.071(c) (v) child support guideline deviation standards states that costs incurred or anticipated to be incurred by the parents in compliance with court order reunification efforts under RCW13.34 (Dependency) or a voluntary placement agreement with an agency supervising the child is a basis for a child support deviation. However this is used only for the creation of a current support order and not in relation to past support arrears owed to the State under the same parental circumstances.
- c) Only case is COLE v DSHS, 54 Wash App 342 (1989) any necessity by parents to get reunified with child by

- dependency constitutes a deviation. Still good law.
- d) Our policy in this State is to recognize that efforts to reunify with child is a basis to deviate.
 - e) No WAC on arrears and abatement. There is however, RCW 74.20A.220 allows the Department to charge off any debt that the Department deems uncollectable. It also allows DCS discretion to engaged in accord and satisfaction to resolve the debt.
 - f) Procedure for pro se litigant that they are alerted that if child returned to them and child support arrearage is an impediment, they need to alert the Court.
 - g) WAC 388needs to be further explored.
 - h) Need legislative history back to 1988 on RCW26.19

Mindy (DCS policy/practice) – research DCS current policy/practice and help Sandra with DCS-specific budget research.

STATUS: Internal process being clarified with DCS staffers/subcommittee facilitators on how to request/procure stats for DSHS/DCS –when known, can help Sandra with stat requests.

FC sections of DCS policy handbook will be uploaded to Dropbox for review. Note, also recently went to a national child support group (NCSEA) web-talk focused on the intersection of child welfare and child support. Minnesota shared some good statistics; could be used as a model to gather our own stats. Mindy will add web-talk slide deck to Dropbox for review.

- ✓ Scheduling subcommittee meetings – held off on this for now. [Presenter] 5 minutes
 - May meeting dates: TBD
 - June meeting dates: TBD
- ✓ Reminder: ‘CC’ supportschedule@dshs.wa.gov email to address [Presenter] [Time] public disclosure considerations

Requested that Mindy please include by way of CC the following email address: supportschedule@dshs.wa.gov on all correspondence for capturing notes re public disclosure. It will make it much easier for purposes of archiving notes if Mindy includes this on any starting email chains she creates.

Decisions, tasks and next steps

Tasks:

- Set up Dropbox – if you have trouble, let Mindy know. If you haven't yet, send Nicole Enlow the email you want to use for Dropbox and she'll link you to the workgroup and subcommittee Dropbox folder.
- Request D'Annunzio provide email response on letterhead
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Next meeting: Monday, April 11 from 12:00-1:00 PM