

Subcommittee Meeting Minutes: Temporary Abatement

Thursday, June 20 | 12:00 – 1:30 PM | via WebEx

WebEx Information:

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Meeting number (access code): 807 983 233

Meeting password: Abatement@12

To join WebEx audio-only (as a last resort), dial 415-655-0001 or toll free (855)929-3239

Facilitator	Mindy Houx
Note taker	Mindy Houx

Attendees: Sandra Johnston, Keoki Kauanoë,
Richard Okrent, Mindy Houx

Please review:

- 6/14 draft subcommittee meeting minutes (included with 6/18 email): **Approved for posting (final)**

Agenda Items

Topic	Presenter	Time allotted
✓ <u>Check-in</u> <ul style="list-style-type: none">• Welcome• Deadlines:<ul style="list-style-type: none">○ 6/21 – Draft subcommittee final report due○ 6/21 – Final subcommittee in person report out due	Mindy	5 minutes
✓ <u>Discussion of pending tasks</u> <ul style="list-style-type: none">• Mindy: Request that the 5/17 meeting minutes be posted on the public site.• Mindy: Send updated meeting information for re-scheduled meeting to 6/20, 12:00-1:30pm, including updated WebEx info.• Sandra: Work with Dept of Assigned Counsel and AG's Office to obtain party testimonials representing different involvement and perspectives within dependency actions.<ul style="list-style-type: none">○ Some difficulty connecting with folks by email, but some general information received to further act on.	All	25 minutes

- Will this source of testimonials provide a complete and balanced view of experiences? -- Yes, group agrees it will; no other sources of info need pursued at this time
- **Richard:** Identify case (*Cole vs dshs?*) that addresses the obligation to provide housing assistance to parents in dependency action (referral only; nothing more).
 - Wa State Coalition for the Homeless – 133 Wn.2d 894 (Wash. 1997) – reviewed and discussed
- **Sandra and Richard:** Draft subcommittee report and send versions to subcommittee members for feedback and contributions.
 - No progress yet; still pending. Note: Template available with headers for how info should be organized.
- **All:** Review and provide feedback in response to subcommittee report drafts.
 - Pending until draft available.

✓ **Per discussion and group drafting at 5/17 meeting:** All 25 minutes

RCW 26.19.76 (potential recommendation for additional RCW) – titled “Foster Care/Child Support Abatement”

- 1) The Court, ALJ, and/or DCS shall conduct a colloquy with parent/s currently in a dependency action, to determine the extent of said parent/s indigence and/or ability to pay support. This information shall be used to stay, ~~adjust~~, abate or eliminate current or arrearage support obligations for parents who successfully complete the dependency action and pursuant to the return of the children to said parent/s.
- 2) It is the intent of this RCW to prevent a crippling debt being assigned to the parent/s to whom the children can be successfully returned in order to support said return and the best interests of the children in being placed with a more financially stable parent.
(Note: The intent of this paragraph or something similar was discussed but not reduced to text.)
- 3) DCYF and DCS shall create a policy requirement to give notice to said parent/s regarding the right to seek a stay, adjustment, abatement, or waiver of current support or arrearages under this statute. Further, any court, before whom comes an indigent parent, shall notify said parent of the rights laid out herein.

Discussion and review of draft language:

- Is the word ‘adjust’ appropriate? Considered changing it or removing it altogether. Opting to use deviate/deviation

in lieu of adjust/adjustment in paragraph 1 and 3.

- Discussed potential of adding a subsection that clarifies the courts authority and references the below policy/statutes. This will require additional discussion and potentially, workgroup's feedback to draft language.

RCW 74.20A.220: "Any support debt due the department from a responsible parent may be written off and cease to be accounted as an asset if the secretary finds there are no cost-effective

WAC 388-14A-6415: (for reference) "Scope of authority of conference board chair defined: ...(2) Grant relief by setting payment plans, writing off debt owed to the department, waiving fees, or refunding collected money; (3) Adjust support debts based on evidence gathered during the conference board process ...(5) Take any action consistent with Washington law and DCS policy to resolve disputes, grant relief or address issues of equity"

PENDING Questions:

- How would DCS respond to/interpret the draft language?
 - Review of DCS/Kimberly Curtis' email and/or discussion with Kimberly, if she's able to attend meeting.
 - Kimberly was not able to attend. Discussed general DCS feedback (summarized in bullets below).
 - In response to language referencing "stay, adjust, abate, or eliminate current or arrearage support..." there is concern that it could be interpreted for retro-active modification action, which Washington's state plan prohibits; there is also concern that the language is much broader in scope than a deviation (which RCW 26.19.075 already grants) since it references both current and back support, and may allow too much discretion for FC cases to still be considered part of the uniform state-wide child support schedule, which is required.
 - Some concerns with 'vested right' and DCS's divisional authority over state owed arrears.
 - Some questions about the specifics of how

these changes would be applied: how to gauge compliance and satisfactory progress with reunification efforts.

- Potential issue around 'notice' language and lack of specific guidance as to what this means for state agencies and the court; and could make it subject to challenge.
- Decided to wait until 6/21 in-person workgroup meeting to discuss DCS feedback in greater detail with Kimberly and Sharon Redmond during subcommittee report out.
- What about arrears owed to a different state? (from 5/17 workgroup feedback) – discussed this and potential options to address. Also need to further explore resources like:
 - UIFSA (Uniform Interstate/governmental Family Support Act) as federal guidance – what limitations exist, if any?

✓ **Subcommittee written draft final report** Mindy 20 minutes

- Status? –not started yet
 - How does group proposed this get done? Clarified that this is not solely facilitator's role. Referenced template with information headers and agreed most of work will be compiling information already known/researched into one doc.
 - Richard and Sandra will still plan to create the first draft for review.
- What else needs done?
- Next steps?
 - Richard and Sandra to draft report after 6/21 workgroup meeting provides additional information/clarification.
 - All workgroup members will provide feedback and additional help with formatting, polishing, etc. after initial draft is complete.

Subcommittee final report out at 6/21 workgroup meeting

- Preference for how this is done?
 - Sandra and Richard agreed to handle report out since they plan to be there in person.
 - Discussed order of report out and needed resources to help get feedback from the workgroup members:

- Subcommittee report status; summary of current status, including research (OPD letter; testimonials; cost effectiveness data; family first focus; stats from other states; stats from Wa DCYF) and legal references
- Next steps?
 - Mindy to compile some resources for the report out, to include:
 - Policy reference summary with draft recommendation language and relevant additional RCW/WAC and 133 Wn.2d 894 (Wash. 1997)
 - Report out summary/guide of topics to cover
 - Print-outs: Cost effectiveness doc; policy reference summary; DCS feedback email summary.

Other

All

10 minutes

Decisions, tasks and next steps

In person workgroup meeting: Friday, June 21 from 9:00am – 3:00pm