

Subcommittee Meeting Minutes: Temporary Abatement

Wednesday, July 17 | 3:00 - 4:30 PM | via WebEx

WebEx Information:

[Join WebEx meeting](#) (← link)

Meeting number (access code): 804 137 760

Meeting password: Abatement@3

As a last resort, connect to audio-only by calling 415-655-0001 or toll free (855)929-3239

Facilitator	Mindy Houx
Note taker	Mindy Houx

Attendees: Sandra Johnston, Kimberly Curtis, Richard Okrent (by email only, to close the meeting)

Please review:

1. Draft subcommittee report (attached to 7/11 email)
2. Draft subcommittee meeting minutes dated 6/20 (attached to 7/11 email)
3. "PENDING actions and considerations the workgroup asked the subcommittee to work on before 7/26" (listed below)

Agenda Items

Topic	Presenter	Time allotted
<input type="checkbox"/> Check-in <ul style="list-style-type: none">• Welcome• Important dates and deadlines:<ul style="list-style-type: none">○ 7/22 – Final subcommittee Meeting○ _____ – Finalize subcommittee report○ 7/26 – Workgroup in-person meeting <p>***Subcommittee final report and report out</p>	Mindy	5 minutes
<input checked="" type="checkbox"/> Discussion of pending tasks <ul style="list-style-type: none">• Sandra: Work with Dept of Assigned Counsel and AG's Office to obtain party testimonials representing different involvement and perspectives within dependency actions. Sandra has identified some people to speak to but not had the time to pursue conversations/requests yet. She will continue working on this as she has time.	All	10 minutes

- **Mindy:** Clarify what Minnesota did to adjust policy around FC/dependency actions and child support; and whether they adjusted their state plan and how.

Confirmed that this is still a priority due to workgroup's concerns around DCS' ongoing compliance with federal requirements, in consideration of current draft language.

Mindy (and Kimberly, if available) will reach back out to Trish Skophammer (MN) to question about state policy changes around dependencies and child support, federal considerations and what state plan changes took place, if any, including interpretation of federal requirements. When information gathered, provide summary of findings to subcommittee for consideration and inclusion in the report.

- **FYI: Richard** drafted the subcommittee report.
- **All:** Review and provide feedback in response to subcommittee report drafts. **Sandra will review the report on Monday and add edits/feedback in 'Track Changes' in lieu of report existing as a working document in Dropbox. Sandra will then share the edits/feedback with the subcommittee (CC to supportschedule@dshs.wa.gov), for discussion at Monday afternoon's meeting.**

✓ **DRAFT language/recommendation proposal:** All 45 minutes

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

- 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, deviate, 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.
- 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.
- DCYF and DCS shall create a policy requirement to give notice to said parent/s regarding the right to seek a stay, deviation, 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.

Note: 'Adjust/adjustment' above changed to 'deviate/deviation' per Sandra's 6/21 email and Richard's agreement.

PENDING actions and considerations the workgroup asked the subcommittee to work on before 7/26:

- Draft language changes:
 - Find a different word for 'colloquy'
 - Per Sandra's 7/5 email, she would like to keep the word 'colloquy' ... "That term of art is not for the public. It's an instruction that a judge will understand. Like saying "hey, look at me! I have a task for you!" Be interested to hear Richard's take on this."
 - **Richard proposed "address the parties" as an alternative. Sandra doesn't think this works. Sandra and Richard to discuss further.**
 - **PRIORITY to address:** Add more information/details to ensure language is concrete and actionable.
 - **PRIORITY to address:** Add something that makes it clear the language applies to Wa State debt only
 - **Not arrears owed to CP – discussion around ability to adjust/forgive back child support owed to CP (not dshs). Kimberly advised this is CP's property right. Sandra would like to hear Richard's perspective on whether arrears owed to CP could be included for adjustment/forgiveness, or whether it should be limited to arrears owed to DCS only.**
 - **Not arrears owed to other states (being enforced by Wa State DCS on behalf of a different/requesting state who assigns the support as appropriate). Kimberly advised per UIFSA arrears owed to another state cannot be waived. Sandra would like to review the federal law surrounding this). Kimberly to send Sandra federal law references for review.**
 - For parents with multiple children, clarify that it only applies to children in that dependency action
 - **PRIORITY to address:** Clarify language about compliance with reunification efforts

- Include benchmarks or more specific language around what compliance looks like and how changes to compliance could impact abatement/forgiveness of support
 - Consider language that is frozen in time around that dependency action only; time-bound
 - **Per discussion, Sandra proposed adding specific things the court may consider to gauge this (e.g. compliance with court-ordered services, programs, etc.)**
- **PRIORITY to address:** Consider federal limitations (ensure it's not in violation)
 - What is MN (or other states) doing in regards to this?
 - How did other states adjust statute and/or their state plan?
- Consider adding this language to [13.34](#) instead
- **PRIORITY to address:** Explore whether it's necessary to include arrears, or whether a first step could be a suspension of current support only
 - **May come back to 'retro-active modification' concerns expressed by Kimberly/DCS and potential confusion around who arrears are owed to. Language addressing current support only may simplify things.**
- Note: Sharon still had concerns around DCS's divisional authority being taken by the courts

<input type="checkbox"/> Draft subcommittee final report <ul style="list-style-type: none"> • Feedback? • Next steps? 	All	15 minutes
<input type="checkbox"/> Other <ul style="list-style-type: none"> • Sandra asking about adding another meeting for next week before the workgroup meeting on Friday, 7/26. Per email with Richard, identified additional meeting time to be held on Tuesday, from 3:30-4:30pm. Mindy to send save the date and update agendas and minutes in preparation. 	All	15 minutes

Decisions, tasks and next steps

Tasks:

- **Sandra** – continue seeking testimonials from parties who've went through dependency actions.
- **Mindy (and Kimberly, if available)** – reach back out to Trish Skophammer (MN) and provide summary of findings to subcommittee for consideration and inclusion in the report.
- **Sandra** – review draft subcommittee report and add edit/feedback in track changes, then send to subcommittee by email for review in Monday's meeting.
- **Kimberly** – send subcommittee federal references for review (specifically for UIFSA/inability for states to waive/adjust/forgive other state-owed arrears; retro-active modification limitations; and state plan information)

Next Steps:

- **Mindy: Add meeting time on Tuesday, 7/23 from 3:30-4:30pm**
- **Remaining subcommittee meetings include:**
 - **Monday, 7/22 from 3:00-4:30pm – agenda will be sent Monday morning**
 - **Tuesday, 7/23 from 3:30-4:30pm – agenda & WebEx details will be sent**