

FINAL Meeting Minutes

Child Support Schedule Workgroup Meeting

September 13, 2008

Workgroup Meeting 9:00 am to 1:30 pm

(in the Pine/Spruce Rooms)

Public Meeting 2:00 pm to 4:00 pm

(in the Hemlock/Oak Rooms)

Vancouver Hilton

301 W. 6th Street

Vancouver, Washington

Attendees: *David Stillman; Rep. Jim Moeller; Comm. Gallaher; David Spring; Kris Amblad; Angela Cuevas; Kristie Dimak; Jason Doudt; ALJ Robert Krabill; Merrie Gough; Judge Christine Pomeroy; Alvin Hartley; Kathleen Schmidt; Dr. Deirdre Bowen.*
Guests: *Pat Lessard; Mark Mahnkey; Yukiko Greenfield; Jenny Hartley; Richard Kittelson; Margaret Wojcicki; Todd Hodgen; Ken Foss; Tanna Hollinger; Walter Fields.*
Staff: *Ellen Nolan; Nancy Koptur; Mitchelin Wolff; Janet Wallace*

1. The workgroup convened and approved the agenda.¹
2. The workgroup reviewed the draft minutes for August 14, 2008, and approved the draft minutes as written.²
3. The discussion of the residential credit was deferred until September 27.
4. David Stillman announced the resignation of Dr. David Betson from the Workgroup.
5. David Stillman reviewed the list of subcommittee members and made sure everyone who wanted to be on a subcommittee was on the list (see attachment).
6. The Subcommittee on the Economic Table presented its report and the Workgroup discussed it. Certain consensus points were identified: (1) there should be no advisory portion of the economic table; it should be all presumptive; (2) The economic table should extend beyond \$5,000 per month in net income, and go at least up to \$12,000 combined net income per month. Issues that need to be discussed: should the economic table go beyond \$12,000 combined net income per month?
7. The Subcommittee on Income presented a draft revision of the statute for discussion (see attached).
8. The Subcommittee on the Presumptive Minimum Obligation and the 45% Limitation presented its report. Kris Amblad is now the chair of the Subcommittee. There were some items that had subcommittee consensus: there should be a presumptive minimum obligation, and it should be a per month per child obligation (no consensus on the amount); the self support reserve should not be based on the need standard, but be based on 125% of the

¹ Agendas are available at: <http://www1.dshs.wa.gov/dcs/Resources/WorkgroupMaterials.asp>

² Minutes are available at: <http://www1.dshs.wa.gov/dcs/Resources/WorkgroupMaterials.asp>

federal poverty level; there should be clear standards for deviation below the presumptive minimum; the same presumptive minimum should apply whether the parties have combined net income below \$600 or when the 125% FPL comes into play. Regarding the 45% limitation, the subcommittee reached consensus that there should be a 45% limitation and that the 45% limitation is presumptive only. The issue of whether the 45% limitation applies to just the case at bar or to all the NCP's cases needs further discussion and should also be addressed by the Children from Other Relationships subcommittee.

9. Public Comment: Todd Hodgen, Margaret Wojcicki; Tanna Hollinger; Ken Foss; Walter Fields; Mark Mahnkey
10. The Workgroup discussed the September 27 meeting.
11. The Workgroup adjourned the regular meeting at 1:35 pm and moved to another room for the public comment portion of the meeting.³
12. The Workgroup began the public forum at 2:00 pm.
13. The Workgroup adjourned the public forum at 4:45 pm.

³ Video of the three most recent meetings is available at the workgroup website; and meetings not available on the website are available on DVD for the price of \$5.00 per disc. The web address for viewing videos is <http://www1.dshs.wa.gov/dcs/resources/workgroup.asp#w6>

**SUBCOMMITTEES OF THE
2007 CHILD SUPPORT SCHEDULE WORKGROUP
AS OF SEPTEMBER 13, 2008**

Presumptive Minimum Obligation and 45% Limit

Chair: Kris Amblad
David Spring
Jason Doudt
Angela Cuevas
Commissioner Rich Gallaher
Merrie Gough

Residential Credit

(no chair appointed yet)
Kathleen Schmidt
David Spring
Kris Amblad
Alvin Hartley
Jason Doudt

Economic Table

Co-chair Kathleen Schmidt
Co-chair ALJ Robert Krabill
David Spring
Jason Doudt
Merrie Gough
Kristie Dimak
Judge Christine Pomeroy

Children from Other Relationships

Chair: Kris Amblad
Jason Doudt
Kristi Dimak
ALJ Robert Krabill
Alvin Hartley

Determination of Income

(no chair)
ALJ Robert Krabill
Merrie Gough
Angela Cuevas
Commissioner Rich Gallaher

RCW 26.19.071
Standards for determination of income.

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source averaged over a 12 month period, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime;
- (f) Contract-related benefits;

- (g) Income from second jobs up to the first 40 hours worked in an average week;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits;
- (t) Disability insurance benefits;
- (u) Business income; and

(v) Self-employment.

(4) Income sources excluded from gross monthly income. The following income and resources shall be disclosed but shall not be included in gross income:

(a) Income of a new spouse or new domestic partner or income of other adults in the household;

(b) Child support received from other relationships;

(c) Gifts and prizes;

(d) Temporary assistance for needy families;

(e) Supplemental security income;

(f) General assistance; and

(g) Food stamps.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, general assistance, and food stamps shall not be a reason to deviate from the standard calculation.

(5) Determination of net income. The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

(a) Federal and state income taxes;

(b) Federal insurance contributions act deductions;

(c) Mandatory pension plan payments;

(d) Mandatory union or professional dues;

(e) State industrial insurance premiums;

(f) Court-ordered maintenance to the extent actually paid;

(g) Up to the maximum nontaxable contribution amount permitted by federal law per year in voluntary pension contributions and federal elective deferral contributions actually made if the contributions were made for the tax year preceding the establishment of support or the tax year preceding the modification of support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

(i) Amounts deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) Imputation of income. The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, age, and any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed for purposes of reducing child support. Income shall not be imputed to an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter [13.34](#) RCW or under a voluntary placement agreement with an

agency supervising the child. To determine the amount of imputed income, the court shall consider the following in order:

- (a) Full-time earnings at the current rate of pay;
- (b) Full-time earnings at the historical rate of pay based on reliable information, such as Employment Security Department data;
- (c) Full-time earnings at a past rate of pay where information is incomplete or sporadic;
- (d) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of public assistance, incarceration, or high school,
- (e) Federal median net income.