

## FINAL Meeting Minutes

[Approved 11/14/08 with the exception of items 6 and 10]

[Approved 12/4/08]

Child Support Schedule Workgroup Meeting

October 23, 2008

AOC SeaTac Facility, Kilroy Center South Tower

18000 Pacific Highway South, Suite 1106

SeaTac, Washington

**Attendees:** *David Stillman; Comm. Rich Gallaher; Angela Cuevas; ALJ Robert Krabill; Merrie Gough; Judge Christine Pomeroy; Kathleen Schmidt; Jason Doudt; Colleen Sachs; David Spring; Adina Robinson; Kris Amblad; Rep. Jim Moeller*

**Guests:** *Grandma Omi; Paul Anderson; Mitchell Johns; Mark Mahnkey; Lianne Malloy; Trudes Tango; Greg Howe; Lee Paddock*

**Staff:** *Ellen Nolan; Nancy Koptur; Janet Wallace; Patti Clark*

1. The workgroup convened and approved the agenda.<sup>1</sup>
2. The workgroup reviewed the draft minutes for September 13, 2008, and approved with the addition of two attendees not listed: Colleen Sachs and Adina Robinson.<sup>2</sup>
3. The workgroup was reminded by Mr. Stillman to submit travel reimbursement requests timely. Also, if any workgroup members cannot attend the added drafting meetings they are to notify DCS staff via email at [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov)
4. The Subcommittee on Determination of Income presented their report and the workgroup discussed it. ALJ Krabill encouraged any additional comments after the meeting be sent to him directly. The subcommittee recommended a revision to RCW 26.19.071(6) as follows:

(6) In the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

- (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 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 minimum wage

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

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

earnings, recently coming off public assistance, GAU, SSI, or disability, a recent release from incarceration, or high school;  
(e) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

5. Morning Break

6. The Subcommittee on the Residential Credit presented their report and the workgroup discussed it. Additional and corrected handouts will be available online after this meeting. The subcommittee had no consensus recommendations beyond those already reached by the Workgroup as a whole: (1) it is important to eliminate or reduce the uncertainty associated with a residential credit; (2) before residential credit is allowed, there must be a parenting plan; (3) residential credit should be based on a formula; (4) there should be a threshold before applying the formula; (5) we should define “substantial time;” (6) one definition of “substantial time” is an overnight; (7) we need a mechanism to reduce or eliminate the credit if time is not used.

7. Public Comment by: Greg Howe, Lee Paddock, Mark Mahnkey; Paul Anderson, Mitchell Johns

8. Lunch

9. The Subcommittee on Presumptive Minimum Support Obligation and 45% Limitation presented their report and the workgroup discussed it. The subcommittee made the following recommendations regarding the 45% Limitations: (1) the 45% limitation should apply to all of the NCP’s biological and legal children; (2) each child should be entitled to an equal (pro rata) share of the 45%; (3) the court can only apply the 45% limitation to the case in front of the court now, but children in that case should get their pro-rata share of the 45%; (4) When good cause is shown, the court may apply a pro-rata share of a bigger percentage of NCP income; (5) The current language re good cause [RCW 26.19.065(1)] should not be changed; (6) When a support order otherwise qualifies for modification, it is appropriate to apply the 45% limitation; (7) Day care and other extraordinary expenses should be excluded from the 45% limitation [keep existing statutory language in RCW 26.19.065(1)]; and (8) Should we retain good cause for the court to exceed the 45% limitation? The subcommittee made the following recommendations regarding the presumptive minimum obligation: (1) the presumptive minimum obligation should be somewhere between \$30 per month per child and \$50 per month per child; (2) RCW 26.19.065(2) should be changed to say “...and involuntary limits on either parent’s earning capacity (e.g., incarceration or disabilities).” And (3) the statute should not provide direction on how low to deviate.

- 10.** The Subcommittee on the Economic Table presented their report and the workgroup discussed it. The subcommittee had no consensus recommendations beyond those reached by the Workgroup as a whole: (1) the economic table should include combined monthly net income (CMNI) over \$5,000; (2) the economic table should include CMNI up to at least \$12,000; (3) the economic table should begin at \$1,000 CMNI and go up in \$100 increments; (4) the A and B columns should be collapsed and the table should not distinguish by age; (5) child care, ordinary medical expenses and extraordinary medical expenses should not be included in the economic table, but should be allocated on a proportionate basis; (6) the economic table should be based on an income shares model; (7) the 5% ordinary medical expenses should be removed from the table; (8) the entire table should be presumptive, with no “advisory” portion. The subcommittee recommended six options as the basis of the economic table.
- 11.** The Subcommittee on Children from Other Relationships presented their report and the workgroup discussed it. The subcommittee made the following recommendations regarding children from other relationships: (1) “After-born” children should be considered in addition to “Prior-born” children; (2) the order should consider all the children for whom a parent owes a duty of support; (3) there should be a formulaic (above the line) approach to apply to children from other relationships; and (4) that formula should be the Whole Family Formula, unless unjust or inappropriate.
- 12.** Recap and assignments by Mr. Stillman:
- Amended documents should be sent to Nancy Koptur for distribution to the Workgroup Members prior to the next meeting
  - Review updated Economic Tables prior to next meeting
  - DCS Staff will draft background and overview of Legislative Report for review at next meeting.
- 13.** Meeting Adjourned at 3:55 pm.<sup>3</sup>

<sup>3</sup> Video of the three most recent meetings is available at the workgroup website. The web address for viewing videos is <http://www1.dshs.wa.gov/dcs/resources/workgroup.asp#w6> Meetings 10/22/07 and later are available on DVD. See <http://www.dshs.wa.gov/dcs/Resources/workgroup.asp> for details on how to obtain copies.