

## FINAL Meeting Minutes

### **Child Support Schedule Workgroup Meeting**

**[Approved on 11/21/08 subject to revisions in item 4]**

**[Approved on 12/4/08 subject to revisions to item 4 and footnote 3]**

**[Approved on 12/12/08]**

**November 14, 2008**

**8:30 am to 3:30 pm**

**SeaTac Airport, Beijing Room**

**Attendees:** *David Stillman; Comm. Gallaher; David Spring; Kris Amblad; Angela Cuevas; Kristie Dimak; Jason Doudt; ALJ Robert Krabill; Merrie Gough; Senator Mike Carrell; Alvin Hartley; Kathleen Schmidt; Colleen Sachs; Adina Robinson.*

**Guests:** *Pat Lessard; Mark Mahnkey; Greg Howe; Mitchell Johns; Forrest Potter; Levi Fisher; Mark Coy; Grandma Omi; Lee Paddock; Chris Prochazka*

**Staff:** *Ellen Nolan; Nancy Koptur; Mitchelin Wolff; Janet Wallace*

1. The workgroup convened and approved the agenda.<sup>1</sup>
2. The workgroup reviewed the draft minutes for October 23, 2008, and approved the draft minutes except for items 6 and 10, which will be revised.<sup>2</sup>
3. The Workgroup reviewed a PowerPoint presentation that showed the points of agreement regarding the economic table and compared the current table to the table that would be based on these consensus points.
4. The Workgroup reviewed a PowerPoint presentation that showed the points of agreement and issues for discussion regarding all of the 14 issues. Points of consensus included:
  - Self Support Reserve
    - The SSR should be set at 125% of the Federal Poverty Guidelines
    - The statute should not provide a numerical value for 125% of FPG, but the Worksheet instructions should suggest the website to find FPG info, and tell how to go from annual FPG to 125% monthly FPG
    - The SSR should apply to the noncustodial parent's obligation only, subject to equitable considerations.
  - 45% Limitation
    - RCW 26.19.071(1) should be amended to provide that "neither parent's obligation owed for all his or her biological and legal children may exceed forty-five percent of net income except for good cause shown."
    - Retain current language re good cause for the court to exceed the 45% limitation
  - Residential Schedule Credit

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

<sup>2</sup> See "Revised Draft Minutes" for October 23, 2008. Minutes are available at: <http://www1.dshs.wa.gov/dcs/Resources/WorkgroupMaterials.asp>

- It is important to eliminate or reduce the uncertainty associated with a residential credit
- Before residential credit is allowed, there must be court-ordered residential time with the parent who is seeking a residential credit
- Residential credit should be based on a formula
- There should be a threshold before applying the formula
- Overnights are the measure of “substantial time.”
- The number of overnights needed to qualify for credit is still up for discussion.
- We need a mechanism to reduce or eliminate the credit if time is not used

#### Income to Determine the Support Obligation

- Net income should be used for calculating child support obligations
- RCW 26.19.071(6) should be revised<sup>3</sup>
- Self-employment or business income should be included in the definition of income
- The current limitation in RCW 26.19.071(5)(g) on voluntary retirement/pension (e.g., IRA) should be updated<sup>4</sup>

#### Economic Table

- The economic table should include combined monthly net income over \$5,000
- Should include combined monthly net income up at least to \$12,000
- The economic table should start at \$1,000 and move up in \$100 increments
- The “A & B” columns should be collapsed and the table should not distinguish by age
- Child care, ordinary medical expenses and extraordinary medical expenses should not be included in the economic table

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<sup>3</sup> Proposed language (note: not in amendatory style):

(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 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 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.

<sup>4</sup> Proposed language (note: not in amendatory style):

(g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support ;

- 5% of obligation = ordinary medical expenses should be removed from table
- We recognize that 2SHB1009 uses the term “medical expenses.” However, instead of “medical expenses,” we should use the term “health care expenses,” and perhaps include a definition of “health care expenses.”
- Medical expenses (aka health care expenses) should be set proportionately
- The table should not have an “advisory” portion, but should be all presumptive

#### Children From Other Relationships

- At a minimum, “prior-born” children should be considered (i.e., children born before the child who is the subject of the current support order)

#### Presumptive Minimum Obligation

- Presumptive Minimum Obligation should increase
  - The presumptive minimum obligation should continue to be expressed as a “per month per child” amount
  - Presumptive Minimum Obligation should be set at \$50 per month per child
  - RCW 26.19.065(2) should be amended to expand on the meaning of “earning capacity”<sup>5</sup>
  - Because the presumptive minimum obligation must be a rebuttable presumption, the statute should not provide directions on how low to deviate
5. The Workgroup identified items which needed further discussion and planned to discuss those issues later in the day and also at the next meeting.
  6. Members of the public provided comments for the consideration of the Workgroup: Mark Coy, Forrest Potter, Greg Howe, Lee Paddock, and Mark Mahnkey.
  7. After the lunch break, another member of the public provided comments: Chris Prochazka.
  8. Chair David Stillman had to leave early and asked Kathleen Schmidt to act as chair in his absence. She took over the chair at 1:30 pm.
  9. The Workgroup discussed the first rough draft of the Report. Ellen Nolan asked the members of the workgroup to send comments using Track Changes to Nancy Koptur at [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov)
  10. The Workgroup discussed the intention to discuss “near consensus recommendations” and identify possible compromises, or to identify the majority and minority positions on the items where no consensus was reached.
  11. The workgroup adjourned the meeting at 3:26 pm.<sup>6</sup>

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<sup>5</sup> Proposed language:

“and involuntary limits on either parent’s earning capacity (e.g., incarceration or disabilities or incapacity).”

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<sup>6</sup> Video of the three most recent meetings is available at the workgroup website; and meetings not available on the website are available on DVD. The web address for viewing videos is <http://www1.dshs.wa.gov/dcs/resources/workgroup.asp#w6>