

FINAL Meeting Minutes
[Approved at 12/4/08 meeting subject to revision]
[approved 12/12/08]
Child Support Schedule Workgroup Meeting
November 21, 2008
8:30 am to 3:30 pm
SeaTac Airport, Beijing Room

Attendees: *David Stillman; Comm. Rich Gallaher; David Spring; Kris Amblad; Angela Cuevas; Kristie Dimak; Jason Douud; ALJ Robert Krabill; Merrie Gough; Kathleen Schmidt; Colleen Sachs; Adina Robinson ; Judge Christine Pomeroy*
Guests: *Mark Mahnkey; Pat Lessard; Mitchell L. Johns Sr. Mark Coy; Grandma Omi; Terrie Dubois; Lee Paddock; Chris Prochazka; Levi Fisher; Lianne Malloy*
Staff: *Ellen Nolan; Nancy Koptur; Mitchelin Wolff; Janet Wallace*

1. The workgroup convened. Workgroup members were reminded of the need to provide written comments on the draft workgroup report no later than December 8, 2008.
2. The workgroup reviewed the minutes of the October 23rd meeting with the corrections to items 6 and 10 that were brought up at the November 14 meeting. A member offered a correction to item 6: that substantial time is defined as an overnight, that other time is a basis for a deviation but not part of a presumptive formula. The workgroup agreed. There were no further changes to item 10. The October 23rd minutes were approved as amended.
3. A review of consensus items was added to the agenda. The workgroup proceeded to review the PowerPoint presentation "Points of Consensus". On discussion, some items thought to be consensus items were not.
 - a. Self support reserve: should apply to NCP obligation only is not a consensus item. For some members this item must be conditioned on including a provisions that the court may reduce the NCP income below the self-support reserve based on considerations of equity to the CP household.
 - b. 45% limitation: there is no consensus as to whether the word "total" should be included or removed from RCW 26.19.065(1).
 - c. 45% limitation: the consensus for retaining good cause to exceed 45% was confirmed but the slide language was amended to read:

“. . .and the current language re good cause (RCW 26.19.065(1)) should be retained.”
 - d. Residential credit: the slides stating that residential credit should be based on a formula and that there should be a threshold before applying a formula were removed from the consensus items

- e. Residential credit: the slide indicating that there needs to be a mechanism to reduce or eliminate the credit was removed from consensus.
 - f. All of the indicated consensus items concerning the definition of income were retained as consensus items. The workgroup agreed that the slide concerning imputation of income (RCW 26.19.071(6)) should be revised to include the entire first paragraph of the subsection, with the exception of the last sentence of that paragraph.
 - g. The first five slides of economic table consensus points remained as consensus items.
 - h. Amendments were proposed to the next two slides, which were removed from the consensus items. Use of the term “health care expenses” instead of “medical expenses” remained a consensus item. The slide regarding health care expenses to be set proportionately was amended to read: health care expenses should be set proportionately to each parent’s share of combined monthly income. The final Economic Table slide remained as a consensus item.
 - i. The consensus slides regarding “Children from Other Relationships” and “Presumptive Minimum Obligation” remained as consensus items.
4. The Workgroup discussed a comment by one of the members asserting that the statement in the draft workgroup report that the present child support schedule is based on an “income shares” model is incorrect; that the report should indicate that the present schedule is a hybrid of both “income shares” and “cost shares” models. After some discussion the workgroup agreed to a new consensus statement regarding the economic table:
- “The workgroup recommends that Washington continue with a method of calculating support that takes into consideration the Combined Monthly Net Income of the parties and the proportionate share thereof”.
5. The meeting resumed after a short break.
6. The workgroup began a discussion of the economic table and the basis for the various models that have been proposed. Points addressed included:
- a. Scientific validity of various studies on the cost of raising children
 - b. That differences in methods in conducting studies are significant in evaluating the results
 - c. A small difference in income should not result in a large difference in a child support amount
 - d. The percentage of income devoted to child support goes down as income goes up
 - e. No part of the table should provide support only at poverty level
7. Public comment was taken beginning at 11:45. Terrie Dubois, Lee Paddock, Mark Mahnkey, Chris Prochazka, and Mark Coy addressed the workgroup.

8. The workgroup reconvened after lunch. Using each economic table model shown on the “Table Curves” sheet in the Economic Table Options handout, members were polled as to whether each specific economic table model was the model that the member would support to the exclusion of any other,. One member indicated that only the average of the Betson Engel and Betson Rothbarth (BEBR) table was acceptable. Another member indicated that only the McCaleb table was acceptable. Based on that result, no workgroup consensus is possible.

9. The same economic table options, plus three additional proposals: present all options to the legislature and let them chose, a cost shares model, and the “average of all” were presented for a second poll. In response to the question: “Is this an option you absolutely can’t support?” the number of members indicating non-support fort each option was:

a. Betson –Engels (BE)	10
b. Betson-Engels/Betson Rothbarth (BEBR)	04
c. Betson-Rothbarth(BR)	05
d. Betson-Rothbarth with adjustments (BR w/adj)	03
e. Krabill	04
f. Current table minus 5% w adj	06
g. McCaleb	08
h. Legislative choice	09
i. Cost-shares	08
j. Average all	06

There was no consensus; however three models had the support of a majority of members present; the BEBR, BRw/adj, and Krabill. Workgroup staff were asked to try to put these tables together with numbers so that they could be compared and discussed at the December 4 meeting.

10. At the request of two Workgroup members, Workgroup staff were requested to send an e-mail to those Workgroup members who were not at the meeting, seeking their votes on the questions described in Number 10, above. [That e-mail was sent out on 11/25/08 and requested responses by close of business on December 1, 2008.]

11. Kathleen Schmidt addressed the workgroup concerning the position of the Family law Executive Committee (FLEC) with respect to the 45% limitation. The FLEC position is that the language regarding the 45% limitation should apply to children before the court with an above the line (presumptive) adjustment for other children and then test this against the 45% limitation and deviate if needed or appropriate.

12. The workgroup began a discussion of the residential credit. The discussion focused on:
 - a. the formula for a credit,

- b. whether there should be a “multiplier” as part of the formula, and
- c. whether or not there should be a threshold of time with the child before the credit should be applied.

It is the consensus of the workgroup that a residential credit should be presumptive (above the line).

- 13. The meeting was adjourned at 3:22.