

Child Support Schedule Workgroup
Report from the Subcommittee on the Presumptive Minimum Support Obligation
From the subcommittee conference call of August 12, 2008
Prepared for the Workgroup meeting of August 14, 2008 by Janet S. Wallace as
staff to the subcommittee

The subcommittee met in conference call to discuss whether or not the \$25 presumptive minimum amount of child support (see RCW 26.19.065) should be adjusted. Subcommittee members Kris Amblad, Angela Cuevas and Commissioner Rich Gallaher participated in the call. Staff support was provided by Janet S. Wallace (DCS)

Chapter 26.19 RCW (the child support schedule) addresses the presumptive minimum payment of \$25 per month per child at RCW 26.19.065 (2) and in the economic table, codified at RCW 26.19.020.

After a brief discussion concerning the practice of some other states in establishing a presumptive minimum amount of support per order, it is the sense of the subcommittee that:

- a. there should continue to be a presumptive minimum amount set in the support schedule, with the opportunity to rebut that presumption.
- b. the presumptive minimum amount of support in Washington should continue to be expressed in an amount per child.

Considerations in continuing to support a presumptive minimum amount include the suggestion in several studies about child support that payment of support translates into involvement with the child and that there is no authority to exempt very low income persons from the guidelines. Federal law does not allow such an exemption. (45 CFR Sec. 302.56)

The subcommittee discussion then turned to whether or not the amount should be increased and the form any increase might take.

The \$25 presumptive minimum amount was established in the original support schedule legislation in 1989. Using the calculator from the Federal Reserve Bank of Minneapolis website (<http://www.minneapolisfed.org/research/data/us/calc/>), what cost \$25.00 in 1989 now costs \$43.47 in 2008, based on the estimated change in the CPI through the second quarter of 2008. If you were to buy the same products in 2007 and 1989, the products that cost \$25.00 in 2008 would have cost \$14.38 in 1989. Other calculators produced similar results, within \$.20 of these figures.

RCW 26.19.065 (2) addresses the presumptive minimum in two places. First, when combined net monthly income is less than \$600 a support order of not less than \$25.00 per child per month shall be entered for each parent unless the obligor parent establishes that it would be unjust or inappropriate to do so in that

particular case. The subcommittee took note of the fact that a combined net of income of \$600 is almost unheard of in 2008, that even when both parents receive GAU as their source of income the combined total will be \$678 and for two individuals, each of whom receives SSI, the combined total is higher.

The second situation in which the statute refers to the presumptive minimum payment is in addressing the “need standard limitation” (the self-support reserve).

A parent's support obligation shall not reduce his or her net income below the need standard for one person established pursuant to RCW [74.04.770](#), except for the presumptive minimum payment of twenty-five dollars per child per month or in cases where the court finds reasons for deviation.

This section points up the interplay between the presumptive minimum payment and the self-support reserve. The greater the self support reserve, presumably a larger percentage of orders will have support set at the presumptive minimum payment. The full workgroup had previously reached a consensus that the self-support reserve should be set at 125% of the federal poverty guidelines.² Does leaving the presumptive minimum payment at \$25 make sense when considering the effect of inflation and balancing the needs of the paying parent and the child? A suggestion was made that the workgroup consider indexing the presumptive minimum to increase as the self-support reserve increases. The suggestion was made by Commissioner Gallaher that the “need standard limitation” should be applied to both parents when considering the presumptive minimum amount and any deviations.

The subcommittee discussed whether the \$600 threshold as indicated in RCW 26.19.065(2) should be increased; a value of \$700 to \$750 was suggested but no consensus was reached.¹ This increase is to address the very low income, largely unemployable, whose source of financial support is generally some form of public benefits. For these individuals some members of the subcommittee expressed concerns that the presumptive minimum payment of \$25 may still be an appropriate amount. Current law provides the court with the ability to deviate to something below the presumptive minimum payment and to not apply the need standard in cases where the court finds reasons for deviation. It would be helpful if there were commentary available to more clearly define the circumstances under which deviation is appropriate.

For the second group whose support obligation may be impacted by the self-support reserve, the low income marginally employed working poor, it may be appropriate to raise the presumptive minimum. To this end, if the presumptive minimum is raised it should be combined with the more explicit standard for deviation that is found in the statute for deviations downward based on very low income figure that represents the bottom of the economic table..

Notes:

1. The March 2008 meeting minutes list as a consensus item that the economic table should begin at \$1,000. This was not brought to the attention of the subcommittee until after their discussion, but raised no objection.
2. As listed in the March 2008 workgroup minutes.