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1 WASHINGTON STATE
2 CHILD SUPPORT GUIDELINES

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4 PUBLIC HEARING
5 (PARTIAL TRANSCRIPT)

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7 2:00 p.m.
8 September 27, 2008
9 Doubletree Inn
10 Sea-Tac, Washington

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24 Pat Lessard
25 Court Reporter

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1 A P P E A R A N C E S

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3 MR. DAVID STILLMAN
4 Director, Division of Child Support

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6 WORKGROUP MEMBERS

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8 MEMBERS OF THE PUBLIC

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1 P R O C E E D I N G S

2 DIRECTOR STILLMAN: I have a few logistical
3 things I would like to mention in advance.

4 We have quite a few people that are here,
5 and we have a limited amount of time in which to hear
6 from you, so I'm going to have to do a little bit of a
7 division problem, and determine that probably about
8 four minutes in time is the most that I can ask that
9 you take the time to talk so that everyone here can
10 have an opportunity to speak.

11 I also want to point out if you -- most
12 likely you came and paid for your parking or expect to
13 pay for your parking. There's a little funny device,
14 it's kind of on my left, your right-hand side, that
15 one of the Division of Child Support staff is standing
16 next to it.

17 If you use the scanning device we'll get
18 you, I believe, an \$8.00 rate as opposed to the higher
19 rate, whatever that higher rate is here at the
20 Doubletree.

21 So before you leave -- I know that may
22 create a line, but toward the end of the meeting if
23 you'll please remember to do that, that will help in
24 regard to the cost of parking.

25 I apologize for my voice; I'm coming off

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1 having a cold. And so the other thing is true that my
2 hearing is not perfect. If I, you know, make a
3 mistake or don't hear something you say, I apologize
4 in advance.

5 The other apology I want to make in advance
6 is for any poor job I do in pronouncing your names,
7 and I appreciate the many of you who took the time to
8 print your names. And I seem to get about 80 percent
9 accuracy on my pronunciation, so I'll try to do a
10 little better.

11 The group that's here today is the majority
12 of the Child Support Guideline Workgroup.

13 All the way over on the left is

14 Representative Jim Moeller who not only is a stalwart
15 member of our group, but who is also a prime author of
16 the legislation that led to our being here to do this
17 work.

18 Angela Cuevas is a prosecutor in Whatcom
19 County.

20 Adino Robinson is a new member of our group,
21 custodial parent.

22 (Telephonic interruption.)

23 DIRECTOR STILLMAN: I should thank you, sir,
24 appreciate that. If you have cell phones, please turn
25 them off or turn them to buzz. I should have made a

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1 note that I actually turned off mine.

2 Colleen Sachs, a custodial parent.

3 David Spring, a noncustodial parent.

4 Administrative Law Judge Robert Krabil to my
5 left.

6 Myself, I'm David Stillman. I'm the
7 Director of Child Support and chair of the Child
8 Support Guidelines Workgroup.

9 Alvin Hartley, noncustodial parent.

10 Chris Amblad from the legal services
11 community.

12 Judge Pomeroy from Thurston County.

13 Merrie Gough with the Administrative Office
14 of the Courts.

15 Kristie Dimak, custodial parent.

16 And Kathleen Schmidt, who is our
17 representative of the Washington State Bar
18 Association, Family Law Committee.

19 I hope you'll all take the time to address
20 the 14 points that are up there. I also hope that you
21 took the opportunity to grab materials on your way in.
22 Not just the materials that the Division of Child
23 Support has made available to you, including the
24 introductory letter that was at the front table, but
25 also there are materials there from The Other Parent

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1 advocacy group here. I think Mr. Howe may still be
2 outside. But there are lots of materials that he's
3 provided and also materials that are available from
4 the Division of Child Support.

5 DCS, Division of Child Support, also has
6 staff here, who are more than willing to try and
7 answer questions or set aside another time, perhaps a

8 more private time, to talk about the specific details
9 of your case by phone or some other appointment.

10 And so the DCS staff, Division of Child
11 Support staff, if you just want to stand up. And
12 also, just so everybody can see who the DCS folks are
13 here, they'll be here all afternoon, also available to
14 answer questions and to respond, hopefully be
15 responsive to your issues.

16 I had worried that we would have a lot of
17 potential repeat business, and so had announced
18 earlier that I was going to try and make sure I got
19 all of the people first who had not spoken in our
20 prior meeting.

21 I notice there are only a couple folks that
22 are repeat customers, if you will, folks who have done
23 it before.

24 So I'm going to go ahead and take them in
25 the order I've got, and I'm going to start with one

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1 person out of order who asked for the opportunity to
2 leave early.

3 That would be Mr. Ken Fellows. So,
4 Mr. Fellows.

5 MR. FELLOWS: Thank you. I appreciate the
6 opportunity to speak today.

7 I guess, it's my understanding, first of
8 all, that only custodial parents were actually
9 notified in writing of this meeting, and because it
10 was too difficult to notify the noncustodial parents
11 that actually pay the bill, and I found that rather
12 unsettling.

13 I have two sons. I have 46 percent
14 residential custody, 46 percent of the time, and I
15 don't get a residential credit at this point.

16 I guess I believe that Dr. Betson's model is
17 erroneous. I've reviewed the work that David Spring
18 has done, and I find that to be much more credible.

19 I think rates are too high right now and
20 should not be raised. It just doesn't take over \$800
21 or a thousand dollars a month to raise a kid. It just
22 doesn't.

23 You know, and there's just no accountability
24 for where these payments go. I mean right now I mean
25 my ex is driving a brand-new car while I drive a

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1 ten-year-old car.

2 And it's just when you look at this case
3 after case after case, especially lower-income fathers
4 are being driven into bankruptcy or, you know, they
5 just don't have the resources to provide for themselves.

6 A friend of mine at work was, after his
7 divorce, was trying to live on \$800 a month while he
8 was paying the entire rest of his salary, which was
9 substantially more than \$800 a month, as child support
10 and alimony.

11 I mean these cases are real, that people
12 will just get, you know, really abused for life. And,
13 you know, they just can't survive on what some of
14 these judgments are.

15 I do favor keeping the residential -- or
16 establishing a residential credit at the full
17 percentage. I think it should be mandatory, it should
18 apply in all cases. I think it's pretty obvious that,
19 you know, the existing support tables start from a
20 presumption of zero time.

21 I mean if somebody is awarded, one parent is
22 awarded full custody, and the other one is awarded no
23 custody, I mean that's the starting place for the
24 table, and the credits should be applied at any level
25 above that.

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1 And, you know, it should be on something
2 simple and repeatable basis, like overnights,
3 something like that. Obviously the judge may -- you
4 know, that would be where I'd rather see the
5 discretion on the part of the judge to look into, you
6 know, whether there are parenting plans that have some
7 special circumstances in terms of scheduling or
8 whatever.

9 But, you know, the residential credit should
10 be applied in all instances.

11 Thank you.

12 (Applause.)

13 DIRECTOR STILLMAN: I just want to do a
14 couple of things. One is just mention if you are
15 running a little over time, I'm going to hold up the
16 one-minute mark, just so that I can, again, keep us
17 moving along.

18 And I appreciate the brevity and the
19 succinctness of your remarks, Mr. Fellows. I thank
20 you very much.

21 You did, I think, have some misinformation

22 about who we sent information to. And the Division of
23 Child Support did include notices in our billing
24 statements and modification review notices, things
25 that went to both parents, not just custodial parents.

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1 THE AUDIENCE: No, no.

2 I never got one.

3 Not true.

4 Not true. No.

5 DIRECTOR STILLMAN: Anyway, I'm just telling
6 you that those are the things that we sent things out.

7 You gave me vocal responses. Thank you,
8 appreciate that.

9 Many of you that are here identified that
10 that is how you heard about them. So while there may
11 have been a vocal response from a minority, there are
12 also people who received a notice.

13 Next I would like to call Lee Paddock.

14 MR. PADDOCK: I've got a handout for you
15 guys.

16 My name is Lee Paddock. I'm from the
17 Seattle area. I'm a noncustodial parent of a
18 twelve-year-old son.

19 I was involved with my son every weekend.

20 Can you hear me better?

21 I have a perfect support record. Thank you
22 for listening. I appreciate your efforts. It takes a
23 lot to sit up there for a couple hours and listen to
24 the public speaking. I appreciate it.

25 Let me give you a little bit of my story and

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1 how it relates to support. In a nation asking fathers
2 to do the right thing and be involved, I'm one father
3 that tried hugely to do that.

4 In an effort to be an integral weekly part
5 of my twelve-year-old son's life, I was forced to
6 relocate not once but twice. Faced with the third
7 long-distance relocation, I couldn't reason with the
8 stepfather's agenda of parental alienation.

9 Washington State put the support of my son's
10 nomadic relocation of no concern regarding the
11 imperative relationship with his father.

12 The current relocation law, in my opinion,
13 is being used as a tactic to eliminate one parent from
14 the child's life.

15 What kind of message is Washington State

16 sending to our children?

17 So I'll be Tim Eyman for a little bit. If
18 anyone's interested in helping our children after the
19 meeting, come talk to me about giving our children a
20 voice in the future and also giving our children the
21 opportunity to have both their parents in their lives.

22 I have a petition that's out there, and you
23 guys can talk to me about that in more detail.

24 Okay. So how does this relate to my
25 struggle through child support and the 14 issues?

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1 Based on the combination of child support,
2 legal and relocation costs, I've been on the brink of
3 bankruptcy a couple times.

4 Again, keep in mind that I moved from
5 Spokane to Las Vegas, from Las Vegas to Seattle, to be
6 an integral part of my son's life. This is on my own
7 dime. I didn't have any support. I went down lock,
8 stock and barrel, at great social and financial cost
9 to be a part of my son's life.

10 Twice, I've had to do this.

11 So currently what I do is I transport myself
12 and my son from Hawaii where he's currently located to
13 Seattle four times a year at a cost of about \$600 to a
14 thousand dollars per trip. That's over and above the
15 cost of support. So that's not a factor which is in
16 support, and we'll address that later.

17 What I'm going to address today is on the
18 Substitute House Bill 1009. I want to address
19 specifically -- it's up there at the board. The
20 questions are up there also.

21 I'll go through questions two, four, six,
22 eleven, 13 and 14 with ideas and possible solutions.
23 My hope is that you can take away a couple concepts
24 from my presentation that will help support the system
25 for our children.

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1 I believe that the support system should be
2 as straightforward as A, B, C, one, two, three.

3 A is accountability. I think that there
4 appears to be a lack of accountability in the system
5 currently. And it was mentioned before, I know that
6 we tried to kind of buffer that a little bit, but I
7 found out by word of mouth.

8 I know that there's some dispute, but I
9 would like in the future, if there's going to be a

10 meeting coming up, that an equal amount of effort,
11 whether it be hard copy, email, or public notice, that
12 it be given out to everybody. I think that that would
13 be very helpful, and I'll drop that for now.

14 I have yet to discover or be provided with a
15 DSHS baseline true cost to raise a child. The
16 U.S. Department of Agriculture released its estimate
17 in March of this year. While it's greatly criticized
18 for being over-inflated due to its long methodology,
19 it does break down the cost to raise a child into
20 easy-to-understand categories.

21 I don't know of any other government agency
22 that doesn't clearly disclose the complete data as
23 well as the underlying factors.

24 B is for balance. There must be an
25 equitable financial balance between both parents.

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1 This is a fundamental point that impacts our children.
2 If you financially overburden the custodial
3 parent, you hurt the child. If you financially
4 overburden the noncustodial parent, you also hurt the
5 child.

6 One key point to note today, and I think it
7 will prove itself out in the numbers, I think you'll
8 see a greater amount of noncustodial parents up here
9 talking. And anytime you have a system and you have a
10 bunch of people on one side or the other talking about
11 it, it points to imbalance one way or the other. I
12 think that's an important point.

13 C is for consistency.

14 The current system is wildly inconsistent,
15 subjective, and far, far, too discretionary.

16 You can take ten different parents with
17 identical parenting plans and financial parameters,
18 and they'll walk out of court with ten different
19 support structures.

20 I believe I'm pretty good with numbers. In
21 fact, it's my job as procurement agent. I've been
22 through four support modifications, and I did the math
23 ahead of time. Each time I walk away from court
24 scratching my head way off the mark with what was
25 ruled. I think that's a real issue.

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1 I don't know any other government agency
2 that is so inconsistent with the calculations. You
3 don't go to the IRS one year and get charged a

4 thousand dollars for tax, and the next year get
5 \$10,000 based on the same financial parameters. I
6 think that's a real issue.

7 Years ago, the criminal justice system had
8 something called indeterminate sentencing. A wide
9 range of the sentences were chosen from the judge's
10 discretion. It didn't work, and it was changed to
11 determinate, or a clear sentence structure.

12 The subjectivity and discretionary issue of
13 the support structure is also not working effectively.
14 Neither the inflated USDA estimate based on
15 15-year-old data or the flawed Rothbarth excess income
16 estimate developed nearly 70 years ago or the ancient
17 Engel total expenditure estimator created over a
18 hundred years ago do an adequate job of determining
19 the true baseline cost to raise a child.

20 Each method is inherently flawed, and our
21 state should create, I believe, its own baseline true
22 cost to raise a child.

23 Another solution I heard mentioned in
24 Vancouver when I spoke, there was an attorney that
25 spoke and it was very refreshing.

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1 She noted that there should be a creation of
2 a separate family law court, similar to the existing
3 drug and mental health court. This is a superb idea,
4 long overdue. I believe House Bill 1780 is working
5 towards that goal.

6 The separate family law court would be an
7 annex with fully trained commissioners and judges and
8 also experts, including financial experts, to help
9 make the best decisions for our children.

10 So dropping into the one-, two-, three-part
11 concept -- and call me T. Boone Pickens -- for the
12 public, it's up there on the wall -- you can take a
13 look at it a little bit more closely, but I'll run
14 through this very quickly.

15 Basically, the concept is rough. It doesn't
16 go into the details -- call it kind of a straw
17 horse -- but it represents some fundamental points.

18 Child support is not a privatized welfare
19 system, nor is it a hidden agenda for alimony. I
20 strongly support a departure from the current method
21 of calculating support, which is not working, to one
22 that is more comprehensive in scope and financially
23 equitable.

24 The cornerstone of the concept is disclosed
25 baseline true costs to raise a child. The end goal is
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1 to take care of our children while creating an
2 equitable financial balance between both parents.

3 So if we look at the model real quick, and
4 we'll jump through it, basically -- humorously, I kind
5 of named it "Milk," "Disneyland," "Involvement," and I
6 know the panel's seen this before.

7 But on the left-hand side is milk. That
8 really represents the cost of living. There's two
9 components to the support financially. And there's a
10 third component which is involvement.

11 So you've got cost of living, which is your
12 residence, your food, your clothing, your
13 miscellaneous, and then actually the cost it takes to
14 raise a child. If you look at that, that's kind of
15 the average true cost to raise a child from zero to
16 18.

17 What I'm proposing is that you encourage
18 both parents to contribute equally, and then it would
19 discourage kind of a welfare mentality.

20 The court would still retain in this model a
21 discretionary ability for low-income cases and also
22 extraordinary cases where the current support model
23 wouldn't suffice.

24 The standard of living component is where
25 you get into the standard of living for a child. It's
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1 a fixed income percent of the parent's income. So if
2 a parent makes more income, if they're very wealthy,
3 the child will go to Disneyland. If the parents are
4 struggling a little bit, maybe they go to Wild Waves
5 or Pacific Science Center.

6 But the concept is that you have a fixed
7 percentage that allows the child to be supported at a
8 certain standard of living based on percent. And this
9 works with state taxes and also our income taxes very
10 effectively, so it's actually adopted and time proven.

11 I believe that if you get over a thousand
12 dollars a month for support, it really is kind of
13 excessive and it goes into kind of a hidden alimony.

14 I think that noncustodial parents really
15 want to invest in their children's life, but they want
16 to make sure that it's accountable on how the funds
17 are distributed.

18 The two main points here, and this is the
19 involvement point -- I know I'm running out of time --
20 FEMALE AUDIENCE: I'd like to give him my
21 time.
22 I'm on the list, and I'd like to give him my
23 time.
24 MR. PADDOCK: I appreciate that.
25 So what I see is kind of a reward and

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1 encouragement system. You want to reward the
2 noncustodial parents that are involved in their
3 children's lives. You want to say "Good job. Thanks
4 for being involved in your son or daughter's life as a
5 noncustodial parent."

6 But you also have another sector that's a
7 noncustodial parent that's maybe a little apprehensive
8 and a little intimidated of being involved with
9 children's lives. What you want to do, and for the
10 sake of another analogy, you want to put a carrot out
11 there. In this case, it's kind of a financial carrot.
12 And saying, "If you want to be involved in your
13 child's life, we'll give you a little bit of credit."

14 Now first they'll get involved, they're a
15 little apprehensive. What happens is the love of a
16 child is infectious. And as you start to build a bond
17 and a relationship with a child, it develops a strong
18 relationship into the future.

19 And this is also imperative to reverse a
20 parent absentee cycle. If you have children who don't
21 have both parents in their lives, it basically
22 develops a cycle in the future. So if you can combat
23 that and try to find a way to reverse it, it will be
24 much better for our children in the future.

25 Transportation credit is also a component.

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1 You've got noncustodial parents driving from Seattle
2 to Vancouver every other weekend, from Seattle to
3 Spokane every other weekend. And then you've got me,
4 of course is the case, flying myself and my son four
5 times a year back and forth to Hawaii. That should be
6 considered in the support schedule.

7 The actual model -- just for our
8 presentation, it kind of looks -- you take the cost of
9 living plus the standard of living, minus an hour's
10 residential credit, which is important because some
11 parents don't have their kids overnight, so it needs

12 to be in hour-increments, and then you take a
13 transportation credit off, and that gives you your
14 total responsibility for the noncustodial parent.
15 This basically creates a fiscally fair child
16 support structure. It balances both sides of the
17 parent financial equation. It creates an accountable
18 and consistent system. It reduces the adversarial
19 climate to parents. And it takes care of our children
20 while promoting involvement.

21 The shared parenting concept is even more
22 simple. If you look at the shared parenting, there
23 really is no child support structure. So in those
24 cases where we've got parents that are going to
25 equally cooperate in their child's life, they're going

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1 to equally parent and they're going to equally
2 financially contribute, and there's absolutely no need
3 for a child support structure in that instance.

4 So in closing -- I wish to thank you guys
5 for your time, but the current support structure is
6 clearly outdated and not working. What we need is a
7 true baseline cost to raise a child which is publicly
8 disclosed. The end goal is to take care of our
9 children while creating an equitable financial balance
10 between both parents.

11 Enhancing our child support structure should
12 really be as simple as A, B, C, one, two, three.

13 A is for accountability, B is for balance, C
14 is for consistency. One is for cost of living, two is
15 for standard of living and three is for involvement.

16 Thank you.

17 DIRECTOR STILLMAN: We'll make sure your
18 handout is available on our website.

19 Next, I would like to call Mr. Mahnkey.

20 MR. MAHNKEY: Why, thank you, Director
21 Stillman, members of the committee. Nice to see you
22 again.

23 I'm Mark Mahnkey. I'm director of Public
24 Policy for the Washington Civil Rights Council. We
25 work with all parents.

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1 We like to work with parents who are having
2 difficulties with the Division of Child Support. If
3 there are any of you here, if the Department is not
4 working well for you, contact me after the meeting,
5 custodial or noncustodial.

6 I paid child support for 35 years. I've had
7 various sanctions from the Department, including being
8 an instant dead-beat when assessed \$10,000 in
9 retroactive support. Instant dead-beat.

10 So like I'm old, what am I doing here?

11 Well, I have three sons, and I don't want them to be
12 subject to the same stuff I was subject to, so here I
13 am.

14 I've been working with kids since 1979 and
15 served 13 years on the school board. I was a leader
16 in the state association. I know my way around
17 government politics. I know what's good for kids and
18 what isn't good for kids.

19 So it's nice to see what appears to be some
20 custodial parents here today. They've been majorly
21 absent. For way too long there was no custodial
22 parent; there was a vacancy. We worked hard to get
23 that appointment filled.

24 So in that vein, I would like to remind the
25 group that you were appointed because you're from a
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1 group, and not to represent that group.

2 There's a misperception that some of you
3 have. You're to represent the people, all the people,
4 not your constituency. You were appointed from that
5 constituency, but that's not your job to represent
6 that constituency.

7 Some of you have been pretty heavy in
8 pimping your group's agenda. There was recently, this
9 week, an email sent out saying that there was a
10 proposal to eliminate child support. I've never heard
11 anybody under the current system suggesting that we
12 eliminate child support, and I would hope that folks
13 would not put out specious information.

14 So let's take a look at this animal called
15 "Child Support."

16 One of the things we're talking about is
17 segregating kids into two classes: Superior kids and
18 inferior kids. I've never met an inferior kid, but
19 some of the proposals that you're considering would
20 make inferior kids by making some kids more important
21 to the State, and extract more money, rather than the
22 parents deciding how much money is spent on each kid.
23 No kid should only get the crumbs from the family's
24 financial table. No one.

25 So next you're considering the State's

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1 interest in how much of a transfer payment and how
2 much of the income should be considered for that
3 transfer payment. Keep in mind that transfer payment
4 isn't child support. We call it "child support," but
5 that's not what it is. Your own Director Stillman
6 admits that it's "family support," and it is. Because
7 the scheme we have is the family splits up. One part
8 of it is going to maintain their standard of living
9 and we don't give a rat's what the standard of living
10 of the other half is.

11 Yet at least 20 percent of the time we're
12 sending that kid for visitation -- a horrid word --
13 into that house that might be subject to poverty.
14 That doesn't make good sense, to say we care about
15 kids only 80 percent of the time and the other
16 20 percent of the time we don't care. It's nuts.

17 Okay. We could look to Nevada. We talked
18 about looking at what other states are doing. I'm
19 sure other states have reasons for doing what they're
20 doing.

21 What other states are doing may or may not
22 be the right thing for the fine people of the state of
23 Washington.

24 The one thing I haven't heard what other
25 states are doing, and if you want to talk about what

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1 other states are doing, it must be right.

2 Let's talk about Nevada. \$800 tops. That's
3 it. Eight hundred is the maximum child support award
4 for a kid.

5 I submit that if you can't raise a kid up on
6 \$800 extra, besides your contribution per month, then
7 you've got a financial budgeting problem in your
8 household or you're buying them more than one pony.

9 (Applause.)

10 MR. MAHNKEY: Of course, there is some
11 poetic justice in having more than one pony, because
12 that makes more pony excrement, which does have an
13 interesting nexus to the exercise here, but I don't
14 want to go there.

15 We want to talk a lot about what's
16 considered in the noncustodial parent's income. We
17 want to talk about overtime. We want to talk about
18 extra jobs. Yet we totally ignore the rest of the
19 income from custodial parents, whether they be men or

20 women. We never talk about the effects of the earned
21 income credit, which is real income.

22 We never talk about the effects of that
23 additional tax exemption for the kids. We never talk
24 about that Section VIII subsidy for housing. We never
25 talk about free and reduced meals, which you don't

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1 even have to be poor to get, all you've got to do is
2 be willing to sign a thing saying you are and they
3 never check.

4 Bet you didn't know that, Guys.

5 Childcare credits on the tax return, that's
6 real money, real income to the residential household,
7 and you don't even want to talk about that. You just
8 want to talk about making the mule work more and more
9 and expecting them to still give the same milk.

10 Let's talk about that silly economic table.

11 Let me say it in plain terms. We have a real ugly
12 public policy in this state. Eighty-five percent of
13 the time, the judges and the courts and the social
14 workers put kids in the household that's got the
15 highest incidence of poverty, that's got the highest
16 probability of child abuse occurring, and where
17 there's the highest probability of lack of parental
18 guidance. That's the fact of life, that's what we're
19 doing and that's plain old wrong.

20 But it's a great bureaucratic thing: Create
21 a problem and then hire a bunch more bureaucrats to
22 help solve the problem, but I'm still waiting to see
23 that first problem that the government solved. It's
24 kind of illusive.

25 DIRECTOR STILLMAN: Can I ask you to try and

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1 finish up, please.

2 MR. MAHNKEY: Sure.

3 MISS LESSARD: He can have my time.

4 DIRECTOR STILLMAN: I'll make a note of it.

5 Thank you.

6 MR. MAHNKEY: Thank you.

7 So that we have this nifty child support
8 table. So it's pretty easy to figure it out. How
9 much do two bedrooms cost versus two bedrooms? How
10 much does a kid eat if you cook nutritional meals at
11 home rather than go buy McDonald's all the time? You
12 know, how much do a few clothes cost?

13 Instead we try to confuse it. We hire this

14 Ph.D. guy who comes in from out of town -- check out
15 his students' evaluations and you can tell what they
16 think of him. And he comes in with a bagful of
17 numbers and a bagful of magic dust.

18 First he dumps out 95 percent of the numbers
19 that he collected. He dumped 95 percent of the data
20 and only counted five percent of the data, puts in the
21 magic dust, shakes it up, and comes out with this
22 table.

23 And what's the table based on? The cost of
24 raising kids? No.

25 It's based on spending on adult clothing.

00028

1 Your child support table is based on spending on adult
2 clothing. I think that's pretty nuts.

3 On the other hand, Mr. David Spring, a
4 member of this committee, who has peer reviewed and
5 published work, which means the data's been shared,
6 other economists have looked at it, and they confirm
7 that it's correct, and he's got a set of numbers. And
8 I'd say his numbers are a lot better than the guy from
9 out of town.

10 (Applause.)

11 MR. MAHNKEY: Almost done. Thank you.

12 So here we have a situation that actually
13 ignores the economic realities of life: Folks get
14 sick, folks get injured, folks lose their job. They
15 suffer dramatic reductions in income due to layoffs or
16 industry decline, they have seasonal or variable
17 income, and the system just blows that off. Overtime
18 comes and goes.

19 You are trying to sentence some parents to
20 modern-day slavery and demand your vigorish each month
21 regardless of the economic realities Of life. The
22 system has to be much more responsive to sudden
23 changes.

24 So while the obligations of custodial
25 parents are few, they don't even have to demonstrate

00029

1 that they contribute their income share share
2 according to the current situation.

3 If nothing else, keep what you have now, but
4 put in that order "The noncustodial parent will pay X
5 and the custodial parent will have to show evidence
6 that they are doing their share which is assigned per
7 that table."

8 Right now, it's not in there. They don't
9 have to work overtime. Heck, they don't even have to
10 work. And it's presumed that they are contributing.

11 (Applause.)

12 MR. MAHNKEY: So you do counterproductive
13 things: You take people's tools of the trade, you take
14 their cars, you take their driver's license, you take
15 their passports, you impair their credit by reporting
16 them to credit reporting bureaus, and then you expect
17 that mule to keep on working, keep on working.

18 Sometimes I wonder what planet we're on,
19 just to be tough on the beat-dead, not dead-beat dads.

20 I have peer-reviewed and published research
21 that shows that 90 percent of the folks that owe
22 arrears, which are the hard cases, 90 percent of them
23 make less than \$10,000 a year in annual income, and
24 you want to chase them to their death.

25 Thank you.

00030

1 (Applause.)

2 DIRECTOR STILLMAN: Stephen Malmshen.

3 MR. MALMSHEN: My ex, when I married her,
4 she had four kids from two other guys, and I took that
5 responsibility on. And when I divorced her, I had
6 three kids of my own, seven and eleven.

7 I see that you want something to do, have me
8 pay for those other kids after my obligation to her is
9 gone. I don't think that's fair.

10 A shared parenting plan would be the way to
11 go through the courts. It would solve a lot of
12 problems. Instead, you have, like in my case, my ex
13 accused me of many things that kept me in court and
14 it's cost me over \$7,000 in five years.

15 Yet, she's living with a guy that makes five
16 times more than I do. She's on welfare. She was on
17 welfare. She was getting free lunches. She had state
18 insurance for the kids. She was getting state
19 insurance for herself.

20 And she wasn't reporting to the state that
21 she was living with this guy that was making \$7,000 a
22 month. It's not fair.

23 And I was making a thousand dollars a month.
24 I gave over 50 percent of my income for that. How
25 could I live?

00031

1 I got hired on with -- I got retrained, got

2 hired on with the state. I was able to get health
3 insurance. When I notified my social -- or my worker
4 that I was going to receive insurance for the kids,
5 two days later, from my employer, I got a notice that
6 the state had sent a garnishment for collecting
7 insurance.

8 Why is that? Is it because you guys get
9 extra money or matching funds from federal or wherever
10 you get it from to subsidize, and, therefore, it is an
11 incentive to go after everybody and garnish everybody,
12 instead of letting everybody have a chance to pay?

13 I don't think that was right.

14 It's a mark on your employment, whether you
15 want to believe it or not.

16 I think that residential schedules should
17 also -- and I'm going to reiterate what everybody else
18 has said -- that especially during the summer, I
19 shouldn't have to pay child support to my ex. I'm
20 taking on that burden. I have to pay her my child
21 support, plus getting him out here, plus feeding him
22 and clothing him, because she doesn't send clothes.

23 (Applause.)

24 MR. MALMSHEN: I don't get it back, and I
25 have a court order that I'm supposed to get it back.

00032

1 I won't go into the courts because that's a whole
2 other story.

3 But the tax breaks. Here the court said I
4 could not have any tax break. Why should she get it
5 all the time? It should be shared.

6 This year, it was, what, \$1,500 per kid?
7 The talk is \$7,000 for a kid. Well, she's got five
8 kids at home. That's \$35,000.

9 What do I get? Nothing. And there's no
10 accountability on my ex's part. She does not want to
11 work. That's her problem, not mine. I shouldn't have
12 to pay for her to not work. There's such a thing as
13 debtor's prison. I believe the law says you can't --
14 there's no debtor's prison; it's not allowed.

15 You take over half of our income. If I'm
16 making \$2,000 a month, that's a thousand dollars. How
17 can I live? How can I support my children? It's
18 almost like it's better to say "Put me in jail
19 instead." I get three meals a day. I can go to
20 school and become a lawyer, so I can figure out a way
21 to overcome all this stuff.

22 But then, on the other hand, because I can't
23 contact my child or my children, she's going to say
24 "He hasn't seen my children, he hasn't paid for my
25 children, therefore I want my new spouse to adopt
00033

1 them."

2 And the court says, "Yes, you can."

3 My rights are terminated, and yet I'm still
4 in jail because I'm not paying child support.

5 Our income should be based on net, not
6 gross. Because we have to pay taxes, we have to pay
7 insurance and everything else on top of everything
8 that we take in. We should only be allowed the net.

9 Again, the other partner should be held
10 accountable for how they spend it. There's no
11 accountability.

12 I'm accountable for what I make. I have to
13 tell the board what I make. Why can't she tell how
14 she's spending the money and raising my children, so
15 that I know it's going to them and not her.

16 Thank you.

17 (Applause.)

18 DIRECTOR STILLMAN: I think the name is
19 Hatton. I believe the first name is Cliff.
20 Mr. Hatton, is that correct, Cliff?

21 MR. HATTON: Yes. Mine is simple and sweet.

22 I've been paying child support since 1995.

23 I haven't been a dead-beat dad, nothing happened, so
24 on and so forth.

25 Ex-wife found out that I had a heart

00034

1 problem. Took me to court, said there's nothing wrong
2 with me.

3 At that stage in the game, she decided to
4 have my child support raised. Okay, that's fine. But
5 what am I going to do?

6 Then all of a sudden the state put me
7 automatically in arrears. When I offered to pay, they
8 refused to accept payment. And this is a true story,
9 you can check this out tomorrow morning -- excuse me,
10 Monday morning, I'll be going down and filling out a
11 report or whatever.

12 After my son dropped out of school I buy a
13 him car and a driver's licenses, and the GAL said,
14 "No, we're not going to do this."

15 The state was informing my son that mom

16 deserved this money. To this day, and I see my son
17 every day, he still feels that I need to pay mom more
18 than the 780 I'm paying her a month right now. He
19 still thinks I should pay double that. He thinks I
20 should be paying 1270 that I was paying when the state
21 decided not to do anything but take my full -- almost
22 my full income for four months, even though I asked
23 them to "Hey, I'll pay it off."

24 "Oh, no, we can't do that."

25 Again, my case worker refused to do or work
00035

1 with me. She got three letters from my doctor stating
2 that I needed to go in for heart surgery. Well, at
3 that stage of the game she decided to take my wife's
4 income that she got back for her daughter, and that
5 was for that tax break that we're talking about.

6 So the state decided to go in there and say
7 "Well, this is our money, too." And they told her to
8 file -- I think it was an injured spouse claim.

9 So my wife now said, "No, I don't want to do
10 that. I'm going to just take the money, get it all
11 paid up, don't worry about it."

12 Well, they held on to the money, held on to
13 the money, and they wouldn't credit me for it, and it
14 kept putting me more and more to arrears all the way
15 through this.

16 And finally I just said, "You know, enough
17 is enough. What do I have to do to pay it off?"

18 Well, they wouldn't give me an answer. I
19 had to bring in an attorney. I asked for a hearing.
20 I couldn't get a hearing. They refused to give me a
21 hearing.

22 And I thought, "Well, this is really doing a
23 lot of good for my son with my ex-wife screaming, 'I'm
24 not making any money because your dad's not paying
25 child support.'"

00036

1 And yet he's thinking I'm not paying her a
2 dime, when she's getting 1250 a month. Then you've
3 got a case worker that's standing right there saying,
4 "Your mother deserves this."

5 And I'm thinking, "What are we doing here?"

6 And we talked about other states. What are
7 other states doing? Not what we're doing here. I've
8 got an uncle that's a magistrate back East, I won't
9 say which state. He said this state here is probably

10 one of the worst in child support. One of the worst.
11 You know, why don't we take this money and
12 put it towards our kid's education? My son has
13 dropped out of school because of this whole ordeal.
14 My son wanted to come live with me. "Oh, no, we can't
15 have that." We'll have the state step in, brainwash
16 him, not talk to me for a year, get all this money,
17 and then come back and say, "God, dad, pay Mom that
18 money, but, you know, she deserves it because of the
19 fact that you owe it to her. You work for Boeing."
20 I'm on strike. Has anybody approached me
21 and said "Let's lower your child support because
22 you're out on picket duty? You're going to be out for
23 about three months."
24 Oh, no. I talked to my case worker. We
25 have to take it to court.

00037

1 Well, "Wait a minute, what about my
2 administrative hearing?" Nothing.
3 So are we talking about the kids? No.
4 Are we talking about spousal maintenance? I
5 feel that's exactly what's going on with me.
6 I've been in court since 1995. Lisa Scott's
7 been one of my attorneys. I've had one year off in
8 court because my ex-wife keeps putting me back in
9 court. Not me, she wants more money. She's got it.
10 My son's now out of school. He's going to
11 be 18 in about four months, it doesn't matter.
12 Until he graduates -- he's registered in
13 school, but until he graduates -- that's what I was
14 told. Not when he turns 18, but when he graduates.
15 That could be 20, 25.
16 So, you know, are we -- so we do talk about
17 other states. Why don't we start doing what's they're
18 doing? Because they're doing a lot better job.
19 Thank you.
20 MR. WELK: My ex-wife lives in Alaska and I
21 live in Washington, so we have different laws for
22 different states.
23 A couple years ago, I worked three jobs at
24 one time, you know, trying to make enough to pay off
25 my bills. And I couldn't make my bills, because child

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1 support was taking money from all three jobs.
2 So I call Washington, and say, "Hey, you
3 know, I need some help. What's going on?"

4 And they said, "We're not doing it, Alaska's
5 doing it."
6 I call Alaska. Alaska said, "We're not
7 doing it, Washington's doing it."
8 Okay, I call my case worker and say, "I want
9 to come in and talk you. If I can't get any help,
10 then I might as well just quit my job."
11 Because that's the only solution at this
12 pint that I have because, you know, I can't work any
13 more hours. I'm not getting any sleep, and it's not
14 healthy.
15 And at that time I couldn't see my kids,
16 because I couldn't afford to bring them here.
17 And my ex-wife was married. She worked.
18 Her husband worked. And so, you know, she'd buy a car
19 every year. You know, she'd have all sorts of things.
20 And as my kids got older, they each had to get a job,
21 because they still weren't getting enough money.
22 And one of my kids is 22, one is 19, one is
23 16. And they just found out, a couple years ago, that
24 I was even paying child support. Because what I tried
25 to do was not involve the kids in anything, because my

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1 wife and I -- she decided that, she didn't want to
2 talk.
3 But I decided I needed to keep a good
4 relationship with my kids, so I would call them all
5 the time. She'd pick up the phone and say, "Hi,
6 here's your kids."
7 And you know, if I had anything to talk to
8 the parents, I had the kids calling back and forth,
9 and sometimes you can't do that. Birthdays, holidays,
10 stuff like that, you know. You never get a call,
11 which each parent should be teaching their kids, "Hey,
12 you got to call your dad on your birthdays." So if I
13 didn't call, I never got called.
14 Or, say, if a kid broke their arm or
15 something, I wouldn't know. You know, nobody would
16 call me. I called one year and said, "Hey, how are
17 you doing?" That's how I found out.
18 "Well, I broke my arm."
19 You know, and I'm actually trying to be
20 involved. Well, why can't we talk? We always talk
21 about we need talk to our kids, but we will never get
22 a chance to talk.
23 This summer I wanted to bring my kids down

24 but I couldn't do it because I didn't have enough
25 money. When Katrina happened, I had a nephew who was
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1 there, so what I did was I went to help him; he didn't
2 have any money.

3 I took 80 hours of my vacation time to try
4 to get him money and child support took half, you
5 know, because they said, "You know, you owe back child
6 support, so, you know, so we're going to take this."

7 If a company you work for would actually
8 give you a bonus in a year, child support takes that.

9 So, you know, the parent kind of has no
10 way -- the noncustodial parent has no way to kind of
11 bring the kids -- the kids are calling and saying,
12 "Hey, can you send me this, Dad? Can you do this?"

13 And you can't do anything because you have
14 no extra money to give them, you know.

15 And like for me, I used to live in Alaska,
16 and when I came here, they said, "Well, no, you owe
17 back child support."

18 And as I said, my wife and I never had any
19 problems. We never fought, never did anything, had no
20 records.

21 So automatically -- I couldn't afford a
22 lawyer, so automatically what she wanted almost she
23 got. It was so bad, if she died, she wanted her mom
24 to have custody of the kids. You know, she wanted
25 alimony, you know, all these things.

00041

1 And since I didn't have a lawyer, she almost
2 got it. She gets to claim the kids on the taxes, all
3 three kids, every year. I never got them.

4 You know, just all these things that, you
5 know, that's just not fair for me.

6 Say a couple, two months ago, I got a notice
7 saying that my back child support was finished, that
8 it was paid. I thought maybe something will turn
9 around.

10 Two weeks later, I got something saying,
11 "Well, no, you owe, you owe child support." And once
12 again, I'm calling back and forth between two
13 different states. And the state of Washington said,
14 "No, you don't owe anything." Alaska said, "Well, you
15 owe \$10,000 in back child support because we charged
16 you interest on -- for what you haven't paid."

17 So, you know, somehow, you know, you need

18 help. And there's no help for you. You can't afford
19 a lawyer, you can't afford this. So you're subject to
20 whatever happens to you.

21 Thank you for giving me this time. This is
22 my first time and I hope everybody can kind of
23 understand what I was talking about.

24 But, yeah, the noncustodial person needs
25 some type of help.

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1 Thank you.

2 (Applause.)

3 DIRECTOR STILLMAN: Next, I do not have a
4 last name, and I believe the first name is Mark, Mark
5 C. So will you state your name for the meeting.

6 MR. C.: They really don't make these things
7 for short guys.

8 I'm really excited to be here. I want to
9 talk about something that is not on the list but does
10 need to be addressed.

11 We've got a large portion of custodial
12 parents that are drug users. I'm not saying anybody
13 here or anybody up there is. I don't want you to get
14 the wrong idea.

15 You've got child support going. There's no
16 control over it at all. None. Nobody really cares,
17 and that's okay.

18 But you've got people taking two jobs,
19 working overtime so they can buy their kids some
20 clothes, and you want to attack that.

21 A lot of the time, where it's going to go is
22 to drugs or partying or what have you. There's no way
23 to know.

24 I have a nine-year-old son and he's the
25 reason I'm here. A large portion of my child support,

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1 and I pay her well, goes to drugs, partying, friends,
2 car payment, you name it. But it does not go to my
3 son's school clothes. You know who pays for them? I
4 do.

5 I get a call once a month, once a month,
6 "Can you buy this? Can you buy that? Can you buy
7 this? Can you buy that?" Every month.

8 Okay, you bet, no problem. Why?

9 I grew up with nothing, nothing. I worked
10 myself to the bone to get what I got, so that my son
11 can have somebody to look up to.

12 If you guys keep attacking my income, what
13 I'm going to end up with is a kid that is going to
14 grow up like I grew up, with nothing.

15 Why? Because of the drug use. Honestly, I
16 have no idea what we can do. Most of it starts with
17 the divorce, but I don't want to address that because
18 that's not what's on the table.

19 You could ask every judge. You can Angela,
20 Christine, a judge is not going to give me custody of
21 my son. The precedence is everywhere. And I've shown
22 any court that there's drug use. I've paid PIs. It's
23 not going to happen.

24 But what you guys can do is you can help me
25 and allow me to have my extra income, so that I can

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1 pay for those school clothes, so that I can pay for
2 those shoes. So that I can pay for the things so he
3 does well in school.

4 You guys can allow me to give my son the
5 life that he deserves. Not the life I deserve. I
6 drive a beat-up car, I have to work my butt off. But
7 I do it for him, not to him.

8 And I'm not trying to take away from her
9 household. She's remarried, has a fun life. And I
10 don't want to hurt that. It's not what I want you
11 guys to help these people. I want you to help these
12 kids that are being considered in all this.

13 I want to knock one of them out of the part,
14 the \$25 minimum. My dad did that. That needs to be
15 increased to at least a hundred bucks. I don't care
16 who you are, unless you're a drug addict, you can have
17 a minimum wage job.

18 Thank you.

19 (Applause.)

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