

Child Support Workgroup  
Children from Other Relationships Subcommittee  
Teleconference Notes  
June 14, 2011

Participating on the call: Ed Pesik, Janet Skreen, Kevin Callaghan, Ken Levinson  
DCS Staff: Ellen Nolan  
Member of the public: Greg Howe

## Main Discussion

1. Agreement/consensus with above the line presumption for children not before the court if residing with Obligor or not residing with Obligor if Obligor has order to support child.
2. Rebuttable presumption – allows for obligee to show reason not to grant presumptive treatment
3. Issue of payment for nonresidential children – what about partial payment? Should there be threshold amount being paid?
  - a. General – we should only change if we can improve things. Make it a simpler system. Having a threshold leaves you without a presumption and we're right back where we are today. Is it enough to simply require that the children be included? Maybe we should remove non-residential children from our presumptive calculation.
  - b. Issue of administrative system – initial order goes out based on presumptive calculation so if language includes residential children but not non-residential, DCS would only be able to include the residential in presumptive and the other children could only be included if issue raised by party
  - c. Majority: no threshold payment for non-residential children..
  - d. Minority: threshold payment for non-residential payment should be required. (Suggestion of 25%).
4. Residential – (defined) the parent that spends more than 50% of time with child
5. Stepchildren not to be included in presumptive calculation but door should be left open for stepchild(ren) to be considered by court which may lead to deviation.
6. Issue of birth order (prior born children/subsequent born children.)
  - a. Preference to not discriminate against children based on their birth order. Moral issue: not fair to other children.
  - b. Modification – some states have regulation that says: you can't ask for a modification based solely on after-born children, but as a defense to a request for modification, you can use after-born children.
  - c. In practice,, in Washington, CNBC are typically included in requests for modifications though not necessarily as primary issue stated. But reality is that additional children often change circumstance and lead to economic hardships.
7. What formula should be used – what is the mechanism for determining what the credit is?
  - a. Recommend whole family formula. Don't extrapolate beyond 5 children.
8. What about the 45% limitation?
  - a. Should you consider reducing the support for the kid before the court now because of 45% limitation but not reduce the other children not before the court. Doesn't that assign different value to different children.

Public Comment:

- Supports subsequent born children as cause for modification.
- Interesting that we would support discouraging Obligor from having more children by capping the whole family formula use to five children without extrapolation beyond as compared to lack of support for capping transfer payments which would serve to limit mothers from going out and having more children.