

## DRAFT MINUTES

Child Support Schedule Workgroup  
Meeting of May 20, 2011  
L&I Building, Rooms S118 & 119  
Tumwater, WA

Attendees: *David Stillman, Kathleen Schmidt, Ken Levinson, the Honorable Gary Bashor, Janet Skreen, Kevin Callaghan, Andrew McDirmid, James Cox, Kristie Dimak, Kathy Lynn, Timothy Eastman, the Honorable Edward Pesik, Jr.*

DCS Staff: *Ellen Nolan, George Smylie, June Johnson*

Guests: *Mark Mahnkey, Pat Lessard, Greg Howe*

### **I. Introductions.**

**II. Agenda reviewed.** The agenda was reviewed and approved with some minor revisions.

**III. The April 15, 2011 meeting minutes were reviewed and approved.**

**IV. The Children from Other Relationships Subcommittee gave a report.** The Children from Other Relationships Subcommittee distributed a report dated 5/20/2011, which was reviewed. The Subcommittee considers these children for whom support is being determined to be known as “children not before the court”. In addition to the written report, members from the committee asked the subcommittee members questions, including:

- Whether the only way to approach the issue is an above the line and below the line approach?
- How does this work if the child resides 51% of the time with a parent – does residential credit apply?
- Does the income of the other children’s parent’s or the support the child is supposed to receive get considered?
- Should there be an automatic adjustment for children not before the court? Or should this continue to be a deviation?
- Is it a mechanical adjustment, or does it require discretion?
- Is it a standard calculation, followed by an adjustment?
- Would you consider will non-payment as a reason not to apply the credit – as a rebuttable presumption?

**V. The Post-Secondary Support Subcommittee gave a report.** The Post-Secondary Support Committee distributed a written report dated May 20<sup>th</sup>, 2011. In addition to the written report, which was reviewed, questions posed to the committee included:

- Should the statute say “pay direct to the college”
- Should other expense of the child go to the custodial parent or be paid directly to the child?
- Should payments be suspended when a child drops classes or stops going to school for a quarter or a semester?
- How should support be affected if a student attends school half time and works part time? How does that affect the full time student recommendation?
- What is the definition of a “full time student”?

- Is a student required to contribute financially as well, through work study or otherwise?
- Must a child be dependent on a parent for the necessities of life to receive support?
- When must a case for post-secondary support be brought?
- Would it make sense to divide up the costs amongst the mother/father and child by a third each?
- Should support be paid to the custodial parent or not, since there is no “custody”?
- Should a post-secondary support template be developed?
- Does the custodial parent receive child support in trust for the child?
- Should the child receive the support directly?

**VI. Public Comments.** Greg Howe and Mark Mahnkey provided public comments.

**VII. The Economic Table Subcommittee gave a report.** The Economic Subcommittee distributed a written report dated May 20, 2011 and also distributed a chart entitled “Comparison – monthly support 1 child”. The subcommittee went over their written report. The written report contained questions for the upcoming telephone conference call with Mary Hammerly and Dr. Betson. There was a request if the chart that was distributed could also include of Category A and Category B children for comparison purposes, as the chart that was distributed included a “collapsed version” of the current table for comparison purposes. Some additional questions for the subcommittee included:

- Since the USDA model excluded educational costs, to compare to the current table, would that include cost such as usual educational costs, such as those associated with public educational expenses?
- Should support be “capped”? Or, should courts have discretion to deviate if combined net income exceeds the table?
- Should the table be extended so that the majority of families are “covered”, but at the upper end, the curve should flatten out in the higher end categories?

There was a request to post the 1982, 1984 and 1988 Child Support Commission Reports to the Website.

**VIII. The Residential Credit Subcommittee gave a report. (Note – David Stillman had to leave early, and asked Kevin Callaghan to temporarily chair the remainder of the meeting.)** The Residential Credit Subcommittee distributed a written report that was a summary of their May 20, 2011 meeting. In addition, they distributed a table explaining the “Indiana Residential Credit. The subcommittee is looking at the Support Calc method of residential credit. Some of the issues that were posed to subcommittee include:

- Under the “Support Calc” method, what happens when there is a 50/50 residential time split?
- Does the program automatically default to 91 overnights, which is roughly 25% residential time?
- Is the subcommittee looking at a threshold?
- Will it be based on overnights only?

- Should residential credit work both ways? In other words, what happens if it isn't exercised?
- Will it increase litigation of parenting plans if there is a bright line threshold?

**IX. The committee discussed future meetings and the upcoming public forums.** The first public forum will most likely be held in Seattle at the King County North CSO, rather than the Everett CSO on Saturday, June 25, 2011. We will hold a regular meeting from nine to noon in the morning, then walk over to the Community College from 1:00 pm to 3:00 pm to hold the public forum. Depending on the number of public participants, they are usually given a period of time to address the members. We try to have staff from the Division of Child Support available to take case numbers to help address any case issues they have. We will use a similar format in Spokane. We try to send out press releases, etc. It is the workgroup's opportunity to hear from members of the public their concerns and issues about the support schedule. Also, we are getting near the end of our meetings, so we need to start thinking about the report, which is due October 1, 2011 to the Legislature. We need to publish and print it in September. Writing by committee is difficult, so we need to start thinking about writing the report now. July and August are when it needs to be written.

**X. Conference call planning.** We are working on scheduling the conference call with Dr. Betson and Mary Hammerly, but please submit written questions to help them plan to Ellen by the end of the week. Also, we are trying to schedule another conference call with Dr. McCaleb, so please also send any written questions to Ellen to help him plan his materials asap.

**XI. The meeting was adjourned.**