

# Minutes

## Child Support Schedule Workgroup

Friday, August 18, 2023 | 12:00pm– 5:00pm

Microsoft Teams Webinar | [Miro Board](#)

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| Attendance   |  |
| Members appearing on Teams                           | Raymond Allen, Kaha Arte, Tami Chavez, James Clark, Kim Loges, Kathleen O’Shea-Senecal, Terry Price, Sharon Redmond, Amy Roark, Rep. Suzanne Schmidt, Carol Ann Slater, Jennifer Turner, Anneliese Vance-Sherman, Janelle Wilson |
| Members appearing in person                          | N/A  |
| Members not appearing                                | Sen. Matt Boehnke, Bernardene Charley, Joy Moore, Gaston Shelton, Rep. Amy Walen, Sen. Claire Wilson   |
| Division of Child Support Staff (In person/on Teams) | Lucas Camacho, Bryndis Danke, Jana Ekstrom, Ian Hall, Brady Horenstein, Jake Hughes, Janina Oestreich, Chris Theine, Rachel Tumbleson  |
| Public Attendees                                     | Lila Bliss, Wendi Fouard   |

### 1. Welcome

- a. Icebreaker
- b. Agenda Review

### 2. July 26<sup>th</sup> and 27<sup>th</sup> Public Forum Review

- a. Meeting Minutes Review
  - [Everett Public Forum Minutes](#)
  - [Spokane Public Forum Minutes](#)
  - Public Comment Review
  - No objections to the minutes as presented. Minutes approved.

### 3. Review of Proposals That Have Reached Consensus

- a. Temporarily abate and set at \$50 a month for each child support order when a noncustodial parent (NCP) is in a mental health or substance treatment. The proposal is modeled off Michigan law, which reduces child support for up to a six month period.
  - Terry adds that a 6 month time limit needs to be added to the summary.
  - Terry and Kaha also would like to add to the summary that treatment must be court-ordered.
- b. Increase the self-support reserve from 125% to 180% percent of the federal poverty level. The self-support reserve is the amount of money the child support schedule assumes someone needs to cover their basic needs before they could afford any child support.
- c. Allow parties to include state insurance premiums actually paid, such as the new Paid Family Medical Leave tax and the WA Cares Long Term Care insurance Tax as an expense to deduct from gross income. Currently there is not a place to deduct these costs on the child support schedule worksheet since the worksheet was established before these taxes existed.

- Terry would like the proposal to note that these costs are actually mandatory and do not apply to optional or voluntary contributions.
- d. Clarify language around the definition of “basic support obligation.” Several workgroup members shared concerns that educational expenses such as sports and music fees are often contentious between parents and it was important to make it clear that these are extra costs and are not part of the basic child support obligation.
  - e. Extend the economic table from the current limit of \$12,000 per month to \$50,000 per month. As wages have increased over time, more and more parents have combined incomes exceeding the table, making the quick child support determination more difficult.
  - f. Increase the floor of the economic table from income levels of \$1000 per month to \$1600 per month because any child support amount less than \$1569 results in a \$50 per month order. As minimum wage has increased, the economic table has not kept up.
  - g. Add clarifying language on the worksheet for how parties should round up income amounts.
4. **Consensus Review**
- a. A **thumbs up** vote means you agree with the proposal.
  - b. A **thumbs to the side** vote means you have reservations but are willing to let the proposal pass or don’t support the proposal but are willing to let the decision pass without your active involvement.
  - c. A **thumbs down** vote means you have a fundamental disagreement with the proposal that has not yet been resolved.
  - d. **Consensus** means there are not too many thumbs to the side votes and no thumbs down votes.
5. **Changes to the Economic Table**
- a. All recommendations by this subcommittee have reached consensus and support from the larger workgroup.
6. **Addressing the Self Support Reserve and Adding Worksheet Deductions**
- a. Create a new RCW or program that allows noncustodial parents who are undergoing court-ordered treatment for substance abuse and/or mental health to apply to have their child support covered while in treatment



- Question: Who would pay the support?
  1. Answer: That piece has yet to be figured out.
- b. Not to change the RCW regarding how maintenance income is calculated on the worksheets to match the federal law.
  - Question: Recommendation is confusingly worded – does the workgroup understand what they’re voting for?
    1. Answer: Several members agreed that the existing wording is confusing.
      - a. The Workgroup agreed to new language: “Should we change the RCW regarding how maintenance income is calculated on the worksheets to match the federal law?”



- c. *Following the wording of the 2015 workgroup's [Recommendation Seven](#) in their final report:* The workgroup recommends that the statute be clarified so that neither parent's basic support obligation owed for all of his/her biological or legal children may reduce that parent's income below the self-support reserve of 125% of the federal poverty guideline for a one person household unless it would be unjust. Each child is entitled to a pro rata share of the income available for support (but not less than \$50 per month per child).
- Janelle brought up this recommendation earlier in the year and was discussed by the workgroup back in April, but it was accidentally dropped from the following meetings.



## 7. Reviewing Residential Credit

- a. The residential schedule deviation per [RCW 26.19.075\(1\)\(d\)](#) should have a formula based on the residential schedule of the children for whom support is being set. The unit of measurement should be overnights spent with the children. The formula used to calculate the credit should be the number of overnights divided by 365, multiplied by the basic support obligation. There should be a threshold of 35% of overnights required before the deviation may be applied.



- b. The Residential Schedule Deviation should be available in both court and administrative processes.



- c. The statute should specify how and when the residential schedule deviation is to be calculated.



- d. These recommendations require revision of the Washington State Child Support Schedule. There should be a new line added to the Additional Information Calculations section to show the dollar amount of the potential residential schedule deviation. The worksheets should not automatically apply the residential schedule deviation.



- e. If the parent receiving the residential schedule deviation does not spend time with children in the same amount used as the basis for the deviation, there should be modification, adjustment, and enforcement remedies available. Here should be the option to bring a contempt action. RCW 26.19.075 and the corresponding statute related to the administrative process should be modified to add a request to suspend, waive, or reduce the deviation as a basis to modify or adjust the support order. Any support order granting this deviation should contain warnings advising the parties about what can happen if they residential schedule is not followed. The DCS Abatement model should be followed to provide a remedy if a party has been noncompliant with a residential schedule for three months with a pattern of 10% of misusing the residential credit.



- Question: What is the DCS Abatement model?
  1. Answer: Incarcerated NCPs can have their support amounts lowered to \$10 per month for the duration of their incarceration. Support gradually returns to its original amount in the months following their release. Abatement is a rebuttable presumption if the NCP has the means to pay support.
    - a. Question: How does this relate to this proposal?
      - i. Answer: If they don't comply, then support steadily rises to what it otherwise would have been without the deviation.
- Regarding the contempt portion of the recommendation, Kim states a motion for contempt can only coerce compliance, so it is misleading.
  1. Question: Jen asks if the court can take more control to change things.
    - a. Answer: Per Kim, that would be a separate modification action.
    - b. Question: Why can't the modification be done within the contempt action to simplify the process? Is that in scope for us to recommend?
      - i. Answer: Per Sharon, that would indeed be in scope.
- f. Request hard data regarding parenting plans, shared custody, and the associated costs in the state of Washington be gathered to better inform the work of future workgroups.



## 8. Workgroup Report

### a. Draft Feedback

- Edit to the roster – Add Kim Loges.
- The abatement proposal has added the court-ordered treatment requirement.
- For the added deductions recommendation, the wording was changed to specify that it is for mandatory costs.
- The proposal to increase the Self Support Reserve to 180% of the federal poverty guidelines now mentions that it is meant to help keep up with inflation. It also mentions that the current percentage of 125% has not changed in the past 14 years.

b. Next Steps

- Brady will send out the next draft for review by Monday, August 21st. Please offer additional comments and feedback before Friday, August 25th.
- There are no additional points to discuss, so the workgroup will not meet on August 24<sup>th</sup>.

9. Public Comment

- a. Lila Bliss would like to see more public information for the workgroups in general. She was not aware of the working until about halfway through.

10. Wrap Up and Closing

**Meeting Adjourned at 1:37pm**