

# Minutes

## Child Support Schedule Workgroup

Subcommittee: Residential Credit

Thursday, April 6th, 9:30 am – 11:30 am

To access the meeting online and to register: [Webinar Registration](#) | [Miro Board](#)

## Attendance

### Members Appearing:

Gaston Shelton	Carol Ann Slater	Bernardene Charley
Kathleen O'Shea Senecal	Jennifer Turner	<i>Facilitator: Rachel Tumbleson</i>
Jim Clark		<i>Note-taker: Ian Hall</i>

Public Attendees: None

## Agenda Details

### 1. Welcome & Introduction

- a. 3/23/23 Meeting Minutes review
  - i. Approved by group
- b. Workgroup Agreements review
- c. Timeline review

### 2. Charter Review

- a. No further additions

### 3. Report out

- a. 2019 Residential Credit Subcommittee Summary
  - i. The recommendations from 2015 were the last concrete recommendations to the legislature
  - ii. 2019 workgroup's opinion was that Residential Credit is too large for the group and decision should be up to the legislature
  - iii. Email to legislators regarding legislative concerns around residential credit.
  - iv. Consensus was very difficult to reach, per the 2019 Workgroup's minutes this was very contentious.
  - v. Current workgroup approved this subcommittee 13 positive, 2 neutral, 0 opposed.
- b. What are other states doing?
  - i. Review Criteria
    1. Did any states have an automatic process?
    2. Goal of looking for parental credit methodology to keep parents out of court/conflict/costs
    3. Did not rank or review for a 'better calculation'
  - ii. California has a spreadsheet calculation, deviation is automatically calculated (~40 options)
    1. Didn't find specifics about how exactly those items would affect a child support amount
  - iii. Started by reviewing nearby states. [Resource](#)
  - iv. Maryland & Indiana have automatic Residential Credit, based on overnights.
  - v. 50/50 is very difficult when there is income imbalance
    1. Current Paradigm in WA: Child should have resources of both parents (with disparate incomes), even in 50/50.
- c. Case Law
  - i. Tried to find a simpler case to evaluate, previous cases were multi-issue cases
  - ii. Case Law was difficult to interpret

- iii. Should we have case law to support our recommendations to the legislature?
    - 1. Group agrees that Case Law is valuable for decision making
  - iv. Creating Worksheets: Workgroup thinks that worksheets are a good place to start, would be easier for pro se parents.
    - 1. “Shall” vs “Must” language in the statute provides a lot of freedom for the courts, perhaps that is a place to address some of this issue
    - 2. Administrative Law Judges don’t have any jurisdiction over custody, but if this residential credit is into Statute it would be
  - d. RCW
    - i. Review of current law
    - ii. Burden of proof for additional expenses is on the Non-Custodial Parent
      - 1. Currently, Non-Custodial Parent could have Residential Credit for additional travel/hotel costs for visitation
      - 2. Note: Direction the Workgroup wants to go would be an adjustment, not a deviation. Travel/hotel wouldn’t be reason to adjust if that was the case.
    - iii. No implicit upward deviation for low residential time
  - e. How many residential credits in the last 4 years?
    - i. [2022 Child Support Order Review](#)
- 4. What other research is needed?**
- a. Look at 2015 Workgroup Report & Minutes
  - b. Continue to review Issues & roadblocks [2019 Workgroup report](#)
  - c. Case Law
  - d. 2022 Child Support Order Review – Page 14
    - i. 2019 Order review data is in the Dropbox
- 5. Decisions, Tasks, and Next steps**
- a. Talking Points for full Workgroup will be addressed at 4/20/23 meeting.
  - b. 4/18/2023 is due date for research.
  - c. Do we need to bring in our workgroup’s economist to have a bit more feedback?
    - i. We can bring in the economist as needed.
- 6. Meeting adjourned 11:25 am**