

Minutes

Child Support Schedule Workgroup

Subcommittee: Residential Credit

Friday, April 28, 2023 11:35am - 1:50pm

Green River College
12401 SE 320th St, Auburn, WA 98092
Mel Lindbloom Student Union Building
Willow Room (Second Floor)

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

Attendance

Members Appearing:

Kathleen O'Shea Senecal (Online)	Jim Clark	<i>Facilitator:</i> Rachel Tumbleson
Jennifer Turner (Online)	Carol Ann Slater	<i>Note-taker:</i> Josselyn Green
Bernardene Charley (Online)	Gaston Shelton	

Public Attendees: None

Agenda Details

1. Recap

- a. Recap given during large group
- b. Discuss feedback from large group
 - i. Feedback from large group:
 - Protection for low-income CPs
 - Change child support if visitation is not being utilized
 - Look at states that retroactively apply to the date of modification
 - ii. Consider low-income families and insure families are not left without enough money. Possibly create a minimum individual and combined income to be able to use the residential income credit.
 - iii. Are we able to tie residential credit to certain income threshold?
 - Self-support Reserve built into the worksheet and has to be set in the legislature
 - Built into economic table and self-support reserve
- c. Poverty level gets adjusted annually – suggestion that we tie what we do to that number
- d. Thoughts or suggestions on how to address feedback?
 - Suggest automatic 90 or 180 day provision to reevaluate
 - Florida statute – substantial change and constitutes change to order. Jim provided to quote:
“A Florida statute provides that, if an obligor parent does not regularly exercise the timesharing schedule set forth in the parenting plan, this is a substantial change in circumstances that can justify a modification in child support retroactive to the date the parent first failed to exercise the specified access rights” (176).
J. Thomas Oldham; Jane Venohr, "The Relationship between Child Support and Parenting Time," Family Law Quarterly 54, no. 2 (2020).
- ii. If it is presumptive – any judge applies
 - Clarification on presumptive – If judge sees the child is with one parent 40% and with other parent 60% - automatic set that you have residential credit
 - If we make it a presumptive it can also be rebutted

- But if it as written as presumptive then it happens by order of law
- If the information is known by the judge then the credit is automatically applied
- Colorado has automatic presumptive. Worksheet A and Worksheet B - Have computation for automatic nights
- Questions:
 - a. Does the group support making this presumptive? – Agreement in the room and online
 - b. Presumptive above or at a certain point. Only when certain threshold is met. Is that something feasible?
 - i. Depends on how it is written, but not out of the question

2. Report-out on research that was gathered

- a. Jim
 - i. National parents organization creates the Child Support Report Card
 - ii. Trying to figure out overnights vs. meals vs. hours – reached out to researchers who worked on report
 - iii. Most common way is to measure access and nights spent with parents
 - iv. Arizona – fractional day approach
 - v. Texas – granule approach
 - vi. Minnesota – mixed approached
 - vii. Maryland – percentage approach linked to overnights
 - viii. Possibly look at California too
- b. Kathleen
 - i. 2015 Child Support Schedule Report was well written, but not everyone was on board.
 - ii. Feel that we can work on it and reach consensus
 - iii. 2015 – lower income was a consideration
 - iv. 2019 group echoed 2015 but did not address objection
 - v. Handouts:
 - [2019 Shared Parenting and Residential Credit Subcommittee Final Report](#)
 - [2019 Child Support Workgroup July 26, 2019 Meeting Minutes](#)
 - [2015 Child Support Schedule Workgroup Report](#)
- c. Discuss resources
 - i. 2015 group agreed on a lot of things
 - One person disagreed because they believed contempt was the correct forum for addressing violation
 - Reaction: contempt is legal and expensive to try and prove
 - ii. Concern about 35%
 - Colorado’s Worksheet has threshold of 25%
 - Larger the overnights the larger the cliff effect is
 - Don’t want parents fighting over number of nights because it could be a huge difference in support
 - Plotnick is right away – start getting .001% credit
 - 2011 Workgroup – 1 out of 7 nights 14%
 - 35% may be divisive - it should be lower
 - Do people seem to like the idea of there being a defined point for when it kicks in? Or sliding scale?
 - a. Sliding- CA has many different options
 - b. Prefers point where is kicks in and presumptive from there - this seems most attainable
 - c. To make it presumptive there needs to be a number
 - d. Look at school schedule and look at number of nights

- e. Have to have a threshold point for when it kicks in for it to be presumptive
 - iii. Colorado Worksheet - <https://www.courts.state.co.us/Forms/PDF/JDF1821M.pdf>
 - Shared physical care support obligation
 - Colorado has that hard line in the worksheet
 - Considering other children that are not before the court
 - Calculates the overnights
 - Less than 93 and you use a different worksheet
 - Jen will research this further
 - d. Thoughts on setting threshold at lower end so it impacts more people?
 - i. No problem as long as there is a scale to reference
 - ii. Want to encourage both parents being active
 - iii. Want to think about parents where they may have to travel
- 3. **Break**
- 4. **Group Discussion**
 - a. Do we have a preferred model to move forward?
 - b. What additional questions do we need to answer?
 - c. What additional info do we need to gather?
 - i. Each subcommittee puts together report and it is discussed at the full-workgroup
 - Consensus reach at the full group
 - ii. Strong objection to using over-nights?
 - Don't want us to get to larger workgroup and not like recommendations because it uses overnights
 - What is the best chance to get it through?
 - Most states measure by overnights
 - If we don't use overnights, have to have some hours to calculate. Would need some term or number of hours to quantify
 - Worksheet suggestion – days where child is with parents for at least 8 hours
 - a. That works but just needs to be written
 - b. 8 hours counts as a day
 - iii. Vermont – does not say overnight. Just percentage of time
 - iv. If you want to leave it at overnights – ALJs consider on case by case basis – you can testify to that evidence.
 - You could leave it at overnights and leave it to judge discursion
 - v. AZ – Maricopa County timetable A and B
 - Assumption that there is duplicative cost
 - Jen will research more and report back to the group
- 5. **Decisions, tasks and next steps**
 - a. Look at states and see what their threshold is - What do most states have it set at? (Jim)
 - b. Talk to Janelle about way to come up with combined or individual minimum – gauge what she would think would be an adequate protection (Tui)
 - c. Adjustments if agreed upon schedule is not kept – retroactive child support (Carol Ann)
 - d. Any specific states we want to look? CO, AZ, FL, OR (Jen)
 - e. Next meeting: Thursday 5/4 9:30 am – 11:30 am
- 6. **Break** – rejoin full group at 1:50 pm