

# Minutes

## Child Support Schedule Workgroup

Subcommittee: Residential Credit

May 5<sup>th</sup> 2023

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

## Attendance

### Members Appearing:

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

Public Attendees: None

## Agenda Details

### 1. Welcome & Introduction

### 2. Report-out on research that was gathered

- What threshold does the residential credit kick in for other states?
  - [2022 National Parents Organization Child Support & Shared Parenting Report Card: Technical Supplement](#)
  - Page 22 has a graph of the thresholds states use.
  - Mean/median value of 29% corresponding to 106 overnights
    - Jim suggests 14% or 1 night per week
  - Discussion of 'overshooting' which happens in some shared parenting models in other states
    - These states have a formula used to calculate support in cases of shared parenting
  - How much shared time/custody is in the economic table?
    - Currently assumes there isn't much shared parenting
- How can we address concerns regarding low income CP's?
  - No protection for failing to meet a shared parenting schedule
  - Some workgroup members expressed opposition to a presumptive residential credit without any protections
  - [Florida statute 61.30.11\(c\)](#) – allows for modification if a person fails to meet their parenting schedule, retroactive to the date of failure.
  - Build in automatic modification for failure to honor Residential Schedule? – would need to build it into the statute
    - What about an automatic review?
      - Could build a DCS process of review for compliance w/ Parenting Plans?
      - Admin orders would be easier to modify. Still lengthy modification for court orders.
    - Could we just have a clause that makes orders change retroactively for non-payment?
      - Florida Statute has retro adjustment for failure to comply with a shared parenting
- How do other states address violations of split schedule?
  - Are ALJ's allowed to adjust for parenting time?
    - Can provide or withdraw a residential credit, but cannot address parenting plans/custody.
    - How long would someone need to fail to comply with share parenting order to seek a modification to remove residential credit?

- Truly a case by case decision.
- Reviewed 5 states – did not have a retroactive effect.
  - Mods typically go back to date of filing, not date of failure to meet parenting schedule
  - Still had to wait 6 months with substantial changes of circumstance, or needed to wait the full 2 years before modification
- Florida Statute discussion
  - Probably want to have a length of time of failure to comply with Shared Parenting Time
  - Retroactive adjustment can create a burden to the paying parent, large arrears can be difficult to overcome for parents.
  - Proving when the failure to honor the residential schedule occurred would be very difficult.
- What are different worksheet models being used?
  - Arizona – has a table we could use

### 3. Discussion regarding preferred model

- Worksheet Calculation
  - [2015 CSSW Suggestions](#) (Plotnick chart from page 27)
    - Members agree
      - Cautious around usage of overnight, some parenting arrangements aren't that way
      - [AZ Guidelines](#) (page #17) have a breakdown of what counts as a day
        - 12 hours or more = 1 day
        - 6-11 hours = ½ day
        - 3-5 hours = ¼ day
        - Less than 3 can count as a ¼ day, if there are expenses associated.
        - Members also support this type of breakdown
- Shared Parenting threshold for credit
  - 14% (one overnight/one full day per week)
- Protections for low income CP's
  - Not following a shared parenting agreement is a 'Significant change of circumstances' for purpose of modification
    - After 90 days?
      - Group feels this is a bit too short
    - Over \$1000 in child support arrears?
    - 6 months
      - Group agrees
  - Retroactive to date of violation
    - Proving this is difficult
    - Group agrees, but more discussion is warranted
  - Tie to the Self-Support Reserve. If CP's income is below no credit applies
    - Group supports

### 4. Decisions, tasks, and next steps

- Kathleen - 2015 CSSW Recommendations
- Jim – Excel Spreadsheet for calculation of days & overnights
- Group thinks research is mostly complete, time to flesh out ideas.
- Feedback for breakout rooms in the full meeting
  - Choosing between multiple subcommittees is difficult
- Next meeting: May 18<sup>th</sup> 9:30 am – 11:30 am