

Minutes

Child Support Schedule Workgroup Subcommittee: Residential Credit

May 18, 2023

Teams Webinar | [Miro Board](#)

Attendance

Members Appearing:

Gaston Shelton	Carol Ann Slater	Bernardene Charley
Kathleen O'Shea Senecal	Jennifer Turner	Facilitator: Rachel Tumbleson
Jim Clark		Notetaker: Ian Hall

Public Attendees:

Agenda Details

1. Welcome & Introduction

- a. 5/4 Minutes confirmed and accepted

2. Report-out

- a. 2015 Recommendations

- i. Recommends as a deviation over adjustment
- ii. Ultimately recommended no overnight threshold was necessary
- iii. Admin orders are close to 50% of support orders, res schedule should be available/predictable to be applied during
- iv. Supports Res Sched Deviation in admin hearings
- v. Allows child support to apply deviation if parties agree
- vi. Should be available w/o a parenting plan
- vii. No deviation should occur if there is insufficient funds for the child's primary HH, SSR for either party, or TANF received
- viii. Should be a stipulation for partial days counting as overnights
- ix. Easy & accessible formula (plotnick formula) [Overnights x BSO]
 1. Breakpoint at 25% of nights per year (higher deviation over 20%)
- x. Recommend against automatically applied, as a way to prevent errors/failure to consider low income
 1. Button on worksheets
- xi. Want people to be able to adjust the deviation on increased/decreased residential schedule
- xii. Contempt is the process to resolve
- xiii. All orders should contain language about failure to comply w/ schedule
- xiv. Residential Schedule would be reason to request mod, adjust the order, proceed w/ contempt.
- xv. Substantial percentage of residential time (no rec given)
- xvi. How long should non-compliance be? (no rec given)
 1. This group suggested 6 months
- xvii. Review of Plotnick formula

1. Simple, easy to understand
2. Similar to Oregon
- xviii. Differences between 2015 recs & Current Subcom's discussion
 1. Threshold (None vs 14% - One overnight per week)
 2. No time frame from non-compliance vs 6 months (to initiate modification due to 'special circumstance')
 - a. Concern over court docket being over burdened
 3. Every child support order should contain warning about what could happen if a residential schedule is not followed
 - a. Clawback of years is much harder, but ~6 months might be appropriate
- xix. Discussion of Florida's statute (claw-back/retroactive adjustment)
 1. Caution was warned, 'This might be too much for them to consider all at once'
 - a. Simpler recommendations starting approach & can tweak in the future
 2. Would a phased approach work?
 - a. Possibly, but still the issue possibly too much change
 3. KY – 2017: Temporary orders at first, then they made it applied for all orders 2018.
 - b. Example calculations for split credit
 - i. Group prefers plotnik
3. Discuss preferred models
4. Talking Points
 - a. Use 2015 Recommendations as a foundation
 - b. Worksheet Calculations based on Plotnick
 - c. Areas differed from 2015
 - i. No threshold for credit to kick in (2015) vs 14%
 - ii. Add definition that a certain number of hours of parenting time can be considered equivalent to an overnight
 - iii. No defined time period for noncompliance would allow mod in 2015, but group discussed 6 month time frame
 - iv. Allows mods for violations to be retroactive to maximum of 6 month.

Meeting adjourned @ 11:02am