

Minutes

Child Support Schedule Workgroup

Subcommittee: Residential Credit

July 7, 2023, 9:30am – 11:30am

Teams Webinar | [Miro Board](#)

Attendance

Members Appearing:

| | | |
|------------------|-------------------------------|-------------------------------|
| Carol Ann Slater | Gaston Shelton | James Clark |
| Jennifer Turner | Bernardene Charley | Facilitator: Rachel Tumbleson |
| Kathleen Senecal | Kimberly Loges | Notetaker: Ian Hall |
| Kaha Arte | | |

Public Attendees: None

Agenda Details

- The subcommittee discussed items that have not reached consensus
- **Recommendation #1** (Residential Credit Formula)
 - Current recommendation: $[(\text{Overnights}/\text{year}) \times \text{the BSO}] = \text{credit given}$.
 - Where did this formula come from? This formula most closely resembles Maryland's formula, but there are a few differences. Maryland's threshold starts at 25% and has additional calculations for 25%-30% overnights.
 - This is also similar to how the "SupportCalc" program calculates.
 - Concern that "SupportCalc" is not supported by statute and some features have been implemented as requested by attorneys.
 - There is a worksheet attachment for Residential Split adjustment
 - Information shared that this could not be used in 50/50 shared custody.
 - This is for split custody (multiple children from one family living a majority of their time in separate homes) not shared custody (children sharing time in each home)
 - Is this the best method for Washington Families? Can the subcommittee recommend asking the Washington State Center for Court Research to research this?
- **Recommendation #4** (Number of overnights to qualify for credit)
 - Current recommendation on the table: 20% overnight thresholds
 - Some members expressed concern that 20% is too low, and it seems like many/most would qualify for this credit.
 - Concerns that there is a lack of Washington specific data. A lot of the basis for the workgroup recommendations have been looking at other states.
 - Gathering better data via Washington State Center for Court Research has support from the group
 - This workgroup has many folks with lived experience and that weighed heavily on the recommendations
 - Would there be an overnight percentage that might help reach consensus?
 - It is unclear, with lack of data what would best support Washington families.

- Another possible recommendation: Ask the Legislature to direct the Gender and Justice Commission (or another agency) to form a Residential Credit Workgroup that includes representatives from the Washington State Bar, Office of Administrative Hearings, Administrative Office of the Courts, Division of Child Support, Courts, parents, etc.
 - The group was positive about this recommendation
- Recommendation #5(Add an additional line to worksheets for residential credit)
 - Concern that attachments already exist for this. It is easier for all of the math to be separated. Attachments may need additional explanation for parents to understand.
 - Most of the time it is someone familiar with Support Worksheets completing them, DCS Staff, Office of Administrative Hearings Staff, Attorney, etc.
- Recommendation #6 (Remedies for violations of shared parenting)
 - Suggestion: Failure to follow schedule would result in inability to receive Residential Credit deviation until the party requesting credit demonstrates they are adhering to the schedule
 - Contempt can only coerce people into compliance
 - Failure to follow schedule is not a ‘substantial change in circumstances’ for current modification process.
 - This would introduce different standards for modifications and the implications are potentially difficult to map.
 - Suggestion: maybe we use a residential credit model that requires the parent requesting it to satisfy certain requirements first.
 - Frequently parents agree on their residential schedule, if they don’t this is something they could use.
 - Potential that this has an unbalanced effect on parties.
 - This recommendation has a couple of different parts
 - Contempt actions
 - Discussion on this was mixed. Contempt is long/difficult and is not available to administrative hearings.
 - Abatement-like model
 - Concern raised that this would create two separate avenues to address, one for the courts and one for OAH.
- How would a Residential Credit move forward when the parties do not agree?
 - Without parenting plan, DCS Claims officer gets info and Administrative Law Judge will ask questions about a residential schedule. If parties do not agree, would still need to go through court.
 - How does this work now? DCS Claims officers and Support Enforcement Officers will explain that if a disagreement exists they would need to go get a parenting plan.

Meeting adjourned at 11:58am