

# Minutes

## Child Support Schedule Workgroup

Subcommittee: Lucas Camacho

July 11, 2023, 3:30pm – 5:00pm

Teams Webinar | [Miro Board](#)

### Attendance

#### Members Appearing:

Terry Price	Amy Roark	Kaha Arte
Joy Moore	Ray Allen	<i>Facilitator: Rachelle Jennings</i>
		<i>Notetaker: Lucas Camacho</i>

Public Attendees: None

### Agenda Details

1. **Welcome**
2. **Overview of Draft Recommendation and Consensus Outcomes**
  - a. Increasing the Self-Support Reserve (SSR) threshold to 180% of the federal poverty guidelines – consensus reached
  - b. Abatement/coverage for noncustodial parents (NCPs) in mental health/substance abuse treatment – *consensus not reached*
  - c. Amend RCW 26.19.071 to include state insurance premiums actually paid – consensus reached with recommended changes
  - d. Amend RCW 26.19.011 to include definitions for excluded educational expenses that are excluded from the Basic Support Obligation (BSO) – consensus reached with recommended changes
  - e. Not to change the RCW regarding how spousal maintenance is calculated in the worksheets – *consensus not reached*
3. **Recommendation to Increase SSR to 180%**
  - a. Request during 6/23 meeting by Senator Claire Wilson - how this amount compares to Washington's median income.
4. **Adding State Insurance Premiums as a Deduction**
  - a. Amending RCW 26.19.071
    - i. Change the language to “other mandatory deductions,” “other employer mandatory deductions,” or “other deductions mandated by law.”
5. **Defining Educational Expenses Not in BSO**
  - a. The larger group recommended removing specific educational expenses whilst adding childcare, dental, and healthcare costs
    - i. Disagree with their assertion that including definitions makes the RCW more complicated. Group did not take issue with the “required educational expenses” verbiage.
    - ii. Childcare and medical expenses have their own separate sections in the worksheets, so it should already be clear that they're not part of BSO. If including them gets us to consensus, however, it wouldn't hurt.
6. **Recommendation to Abate Child Support While in Treatment**
  - a. The workgroup did not seem amenable to the idea of the State covering support for NCPs while they are in treatment and seemed to instead prefer the subcommittee's initial abatement concept.

- b. Members of the workgroup seemed to take issue with the stipulation that treatment must be court-ordered.
  - i. Members of the subcommittee explained that it is to prevent NCPs from potentially abusing the rule.
  - ii. If removed, should we add language about limiting the number of times someone can request this type of abatement?
    - 1. The group seems to agree that the answer should be yes.
  - iii. Need to clarify the exact process for how abatement would be instituted.
- c. Would abated support be added onto back support later on or is it just reduced for that time period?
  - i. Under the current incarceration abatement policy, no arrears are added on retroactively. Support is temporary modified downward.
- d. The coverage idea would arguably be very complicated to institute and would necessitate the creation of a whole new assistance program in order to facilitate. This would make it harder to gain legislative approval.
- e. The workgroup would like to see a defined time limitation for when support would revert to its original amount.
  - i. Can support revert early if the NCP recovers in advance of the 180 day period?
    - 1. This should be allowable, yes.
  - ii. 6 months (180 days) from the start of treatment.
    - 1. Does treatment usually take 180 days?
      - a. Inpatient treatment can take a few months. The length of outpatient depends on how long it takes the patient to reintegrate into society.
      - b. Could outpatient go on for years?
        - i. Potentially, but it phases out over time and the NCP's capability to work is not severely limited the whole time. 180 days seems fair.
  - iii. Should it be one time only?
  - iv. What would support be reduced to while NCP is in treatment?
    - 1. The \$10 per month figure used in the incarceration abatement policy was determined through rigorous data collection regarding the amount of funds available to inmates at any given time.
    - 2. The subcommittee agrees that \$50 for treatment abatement seems like a fair amount.
      - a. Abatement should be refutable by the other party if the NCP has other assets through which collection of support is possible.
- f. The subcommittee looked at [Michigan's abatement policy](#) for reference.
  - i. Per their policy, inability to pay support for 180 days or longer due temporary disability triggers abatement. However, theirs is geared more towards NCPs who are injured and/or ill rather than those undergoing mental health or substance abuse treatment.
    - 1. While it's not a one-to-one comparison, referencing something similar that another state has done can strengthen our proposal.
  - ii. Do we want to add this language to the proposal?
    - 1. Our proposal is significantly different, so the language we use should not be borrowed directly from Michigan's, but it can still be used for reference.
    - 2. The subcommittee agrees to keep the 180 day abatement period that Michigan references in their policy.
  - iii. Should disability within our proposal as well?
    - 1. The normal modification procedure would be the appropriate route for someone with a long-term disability.

- g. The subcommittee is adamant that treatment should have to be court-ordered in order to access abatement.
  - i. The proposal needs to be vetted to make sure it's benefitting those who need it the most and is resistant to abuse. The court ordered requirement would help to this end.

**7. Decisions, Tasks, and Next Steps**

- a. Rachelle and Brady will work on developing the abatement proposal further and will get it to the subcommittee in advance of Friday's meeting for review.