

DRAFT MINUTES

Child Support Schedule Workgroup
Meeting of July 23, 2011
Gonzaga University College of Law, Room 314

Attendees: *David Stillman, Rep. Jim Moeller, Gail Hammer, Kathleen Schmidt, Ken Levinson, the Honorable Gary Bashor, Kevin Callaghan, Andrew McDirmid, James Cox, Kristie Dimak, Kathy Lynn, the Honorable Edward Pesik, Jr.*

DCS Staff: *Ellen Nolan, George Smylie, Nancy Koptur*

Guests: *Mark Mahnkey, Pat Lessard*

- I. Introductions.** Introductions were made, including the addition of the latest member, Rep. Moeller.
- II. The agenda was reviewed and approved, with a note to make time for guests to comment.**
- III. The meeting minutes of June 25, 2011 were approved with minor changes. The conference call minutes of June 24, 2011 were approved.**
- IV. The Children from Other Relationships Subcommittee gave a report.** Ed Pesik presented the subcommittee's written report dated July 23, 2011, which was distributed. He emphasized the italicized language in paragraph three of the report. It was suggested that the language be changed from "failed to pay" to say instead, "paid no support". Some of the suggestions from the members included:
 - They would like to see some examples of the whole family formula. There was a suggestion that the income examples already used by the Residential Credit Subcommittee could form the basis for the whole family formula examples.
 - There is concern that they are looking that by looking at the obligee's children, whether this has the effect of the obligor supporting the obligee's children. They would like to make sure that the recommendation does not have the effect of the obligor supporting children they cannot be required to support by law, and vice versa.
 - Make sure that the recommendation doesn't leave insufficient funds in the custodial parent's household.
 - Is there a legal obligation to support stepchildren if a parent is incarcerated? Are there exceptions? Deviations?
 - What about third parties, such as grandparents? Are they obligated?

Note: DCS staff will provide information to the workgroup about "babies having babies" and the requirements under Chapter 13.34 RCW.

- At least one member does not agree with the recommendations in paragraph number three. If an obligor is not paying at least minimal support, the obligor should not receive a break on support.
- The subcommittee should look at the data collection issues with the worksheets. Are there issues with page four of the worksheets, and what, if any, recommendations could be made to improve the worksheets? If there are no penalties for failure to complete the worksheets, why not change the form?

Mark Mahnkey provided comments. Pat Lessard did not.

V. The Post-Secondary Subcommittee gave a report. Andrew McDirmid presented the subcommittee's written report dated 7/23/2011 from Tim Eastman, which was distributed. The subcommittee recommends that a parent be allowed to suspend payment of post-secondary support for the following term if a child is not in good academic standing. A parent should be able to seek a motion to stop paying post-secondary support if a child fails to comply twice. The subcommittee recommends that the payment should be made to the child if the child is still living at home, or to the school and not to the other parent. Post-secondary savings for college should be counted when making the support determination. The subcommittee does not support a bright line, such as, "each pays 1/3 (child/mother/father)", but that there should be some flexibility. Some of the questions for the subcommittee to consider include:

- If there is post-secondary savings, is that always credited to the parent? Or is that the child's money (Uniform Gift to Minor's Act, etc.), or the parent's?
- Should there always be some obligation for the child to contribute?
- Is there ever a time where you want the money to go to the parent and not the child? Can you trust the child will not spend it inappropriately? (Beer and pizza instead of books and tuition?)
- Enforcing post-secondary as this recommendation is written seems impractical – failing/not failing.
- What is impact of reserving jurisdiction over post-secondary until the age of 23 – will that work if child is going to school/accepted to school?
- There are several findings the court must make to impose a post-secondary obligation: the child is dependent for necessities of life/the parent has the ability to support the child.
- What is the definition of "full time student"?
- Not every child can go to a public institution.
- How will a parent know that the support obligation has been suspended? If child gets support, will child have to refund support?
- If a parent suspends paying support because a child is not in compliance, will the parent get in trouble for not paying support until the child is back in compliance?
- When can you ask to terminate post-secondary support? You can always ask. You don't need to wait until the child has not complied twice. No time limit.

Mark Mahnkey provided comments. Pat Lessard did not.

VI. The Economic Table Subcommittee provided a report. Jim Cox presented the written report of the Economic Table Subcommittee, dated 7/23/2011, which was distributed, and included charts. The goal of the subcommittee is to recommend a table that is clear and consistent, with well-defined content. Jim described the charts where he had included the Pennsylvania table, a 2005 Rothbarth model, plotted the Washington tables at both the under 12 and 12 and over age levels, and the USDA model, for comparison purposes. The USDA model uses gross income, so he did his best to try to take it down to net. While the subcommittee does not have a consensus, they recommend that we replace the current table. They discussed whether or not there is data to support extrapolating beyond \$12,000 to \$15,000. Jim summarized that Dr. Betson says that his model at the higher levels of combine net income increments of

\$1000 net, would only increase by about \$100 support. Some comments from the workgroup include:

- Kathleen offered to run some examples in the table developed for the WSBA Family Law Executive Committee by Dr. Betson.
- There are some concerns that if one end of the table is addressed, such as the upper end, that the lower end should also be addressed
- It was also noted that because there was extrapolation in the 2008 session, the upper end has a steep curve that might need to be addressed.

There were no public comments offered.

VII. The Residential Credit Subcommittee gave a report. Andrew McDirmid presented the written report, dated 7/23/2011, and included several examples. The report was distributed. Because of the public forum, this portion of the meeting was adjourned, and the report was not fully discussed. However, the workgroup agreed that this subcommittee would report first at the next meeting.

Mark Mahnkey provided comments. Pat Lessard did not.

VIII. Meeting adjourned. The regular meeting was adjourned.

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Gonzaga University College of Law, Moot Court Room

Attendees: David Stillman, Rep. Jim Moeller, Gail Hammer, Kathleen Schmidt, Ken Levinson, the Honorable Gary Bashor, Kevin Callaghan, Andrew McDirmid, James Cox, Kristie Dimak, Kathy Lynn, the Honorable Edward Pesik, Jr.

DCS Staff: Ellen Nolan, George Smylie, Nancy Koptur

Guests: Mark Mahnkey, Pat Lessard, Melora Sharts, Paul Cornelius, Rick Murray, Aaron Dipo.

Note: DCS provided American Sign Language Interpreter services throughout the public meeting.

- I. **Introductions.** David Stillman had each member of the workgroup introduce themselves.
- II. **Subcommittees reports.** Jim Cox provided a brief overview of the work of the Economic Table Subcommittee. Andrew McDirmid provided a brief overview of the work of the Residential Credit Subcommittee. Ed Pesik provided a brief overview of the work of the Children from Other Relationships (Children Not Before the Court) Subcommittee. Andrew also provided a brief overview of the work of the Post-Secondary Support Subcommittee.
- III. **Public Comments.** Melora Sharts and Mark Mahnkey provided public comments.
- IV. **Open invitation.** David Stillman invited the workgroup and members of the public that did not wish to provide public comment the opportunity to meet informally.
- V. **Meeting adjourned.**