

Child Support Advisory Committee Meeting

February 19, 2020 1:30 p.m. – 3:30 p.m.

Healthcare and Family Services (HFS)

By video conference and teleconference

Committee Members Present:

Maria Barlow (via phone), Maggie Bennett, Turyia Clay (for The Honorable Dorothy Brown via phone), The Honorable Kelly Burke (via phone), Trent Cameron (via phone), Howard Feldman, Geraldine Franco, Dr. Kirk Harris, Juanita Sanders (for Secretary Grace Hou), Elizabeth Lingle, Honorable Judge Pamela Loza, Christina Mahoney (via phone), The Honorable Sidney Mathias, Nicole McKinnon, Phil Mohr (via phone), Jessica Patchik, and Richard Zuckerman

Committee Members Absent:

Darryl Apperton, The Honorable La Shawn Ford, The Honorable Lindsay Parkhurst, The Honorable Judge Charles Smith, Vickie Smith, Christine Raffaele, and Derrick White

HFS Staff Present:

Mary Bartolomucci, Gina Hemphill, Bryan Tribble, Sharon Shapiro, Hilary Felton, Daun Perino, Ralph Abt

Public Guests: None

- **Welcome to CSAC members – Mary Bartolomucci**
 - Roll call of committee members – Mary Bartolomucci
 - Introduction of state employees and members of the public
 - All committee members, attendees and members of the public were asked to sign in
 - Approval of meeting notes from the November 12, 2019 CSAC Meeting
- **Election of 2020 CSAC Chairperson – Committee Members**

Howard Feldman nominated Richard Zuckerman for reappointment as the 2020 CSAC chairperson. The Motion was duly seconded. No other nominations were brought forward. Richard was unanimously elected. Richard accepted the position of chair.
- **CSAC Quarterly Numbers – Mary Bartolomucci**

The goal is to meet or exceed the national average. We are moving in the right direction. We are focusing on improving the numbers, but we are not where we want them to be. We have had an increase in arrearage collection numbers due to changes in the IWO process and improved driver's license process. The caseload number dipped a little bit. Nationally we are seeing a drop in caseload due to the decline in birthrate, divorce rate, decline in TANF cases due to a good economy, etc. We have gone through a closure project, identified problems with income withholding and have worked on second suspension for driver's license. All of these efforts have resulted in an increase in collections.

- **Quadrennial Review Discussion – Richard Zuckerman & Bryan Tribble**

Last year we set the stage on what would be involved in the quadrennial review. The review must be completed by 12/31/2021. This must be started now as this is a long, labor intensive process. Examples of recent quadrennial reviews completed by other states will be made available on the CSAC web page. It has become a more formal process. Other states reviews range from 70 to 450 pages, depending on what they looked at. We are required to publish and make available to the public any and all reports completed as a result of our review.

The regulation that governs the review process can be found at [45 CFR 302.56](#). For convenience, the text from the regulation has been provided below. As you will see there are specific areas that have a prescribed review, so we know that, at minimum, these areas will need to be studied. Everything that is required is in subsection H (see below).

§ 302.56 Guidelines for setting child support orders.

(a) Within 1 year after completion of the State's next quadrennial review of its child support guidelines, that commences more than 1 year after publication of the final rule, in accordance with § 302.56(e), as a condition of approval of its State plan, the State must establish one set of child support guidelines by law or by judicial or administrative action for setting and modifying child support order amounts within the State that meet the requirements in this section.

(b) The State must have procedures for making the guidelines available to all persons in the State.

(c) The child support guidelines established under paragraph (a) of this section must at a minimum:

(1) Provide that the child support order is based on the noncustodial parent's earnings, income, and other evidence of ability to pay that:

(i) Takes into consideration all earnings and income of the noncustodial parent (and at the State's discretion, the custodial parent);

(ii) Takes into consideration the basic subsistence needs of the noncustodial parent (and at the State's discretion, the custodial parent and children) who has a limited ability to pay by incorporating a low-income adjustment, such as a self-support reserve or some other method determined by the State; and

(iii) If imputation of income is authorized, takes into consideration the specific circumstances of the noncustodial parent (and at the State's discretion, the custodial parent) to the extent known, including such factors as the noncustodial parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing

to hire the noncustodial parent, prevailing earnings level in the local community, and other relevant background factors in the case.

- (2) Address how the parents will provide for the child's health care needs through private or public health care coverage and/or through cash medical support;
 - (3) Provide that incarceration may not be treated as voluntary unemployment in establishing or modifying support orders; and
 - (4) Be based on specific descriptive and numeric criteria and result in a computation of the child support obligation.
- (d) The State must include a copy of the child support guidelines in its State plan.
- (e) The State must review, and revise, if appropriate, the child support guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support order amounts. The State shall publish on the internet and make accessible to the public all reports of the guidelines reviewing body, the membership of the reviewing body, the effective date of the guidelines, and the date of the next quadrennial review.
- (f) The State must provide that there will be a rebuttable presumption, in any judicial or administrative proceeding for the establishment and modification of a child support order, that the amount of the order which would result from the application of the child support guidelines established under paragraph (a) of this section is the correct amount of child support to be ordered.
- (g) A written finding or specific finding on the record of a judicial or administrative proceeding for the establishment or modification of a child support order that the application of the child support guidelines established under paragraph (a) of this section would be unjust or inappropriate in a particular case will be sufficient to rebut the presumption in that case, as determined under criteria established by the State. Such criteria must take into consideration the best interests of the child. Findings that rebut the child support guidelines shall state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines.
- (h) As part of the review of a State's child support guidelines required under paragraph (e) of this section, a State must:
- (1) Consider economic data on the cost of raising children, labor market data (such as unemployment rates, employment rates, hours worked, and earnings) by occupation and skill-level for the State and local job markets, the impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below 200 percent of the Federal poverty level, and factors that influence employment rates among noncustodial parents and compliance with child support orders;
 - (2) Analyze case data, gathered through sampling or other methods, on the application of and deviations from the child support guidelines, as well as the rates of default and imputed child support orders and orders determined using the low-income adjustment required under paragraph (c)(1)(ii) of this section. The analysis must also include a comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment required under paragraph (c)(1)(ii). The analysis of the data must be used in the State's review of the child support guidelines to ensure that deviations

from the guidelines are limited and guideline amounts are appropriate based on criteria established by the State under paragraph (g); and

(3) Provide a meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives. The State must also obtain the views and advice of the State child support agency funded under title IV-D of the Act.

[[81 FR 93562](#), Dec. 20, 2016]

H 1: Consider economic data: The opinion is that CSAC may need to be outsourced. Is there an RFP needed? We have a contract with Jane Venohr. Any other would be cost prohibitive. We will look into this and report back. We are using Betson/Rothbarth methodology to figure out how much it costs to raise a child. While working on Clean Slate there was work done in tracking on regional trends regarding this cost. A true measure is looking at those that are working, but are considered to be poor. There are expenses that are incurred to understand the levels of poverty. This is relatively new and is encompassed in the body of research that has been conducted in conjunction with the United Way and is known as ALICE (Asset Limited, Income Constrained, Employed). We will look into this. We will look at information on what other states did. Geraldine Franco stated that what we use is up to us.

H 2: Analyze case data: We must analyze case data. From DCSS perspective we will be able to determine if guidelines are correct. When talking about deviations we will need info regarding IV-D and non IV-D cases. We need to know what percentage of data we are talking about. We can find this info through the SDU data. It was stated that it is very rare for anyone to ask for deviations. DCSS does not track non IV-D cases. The info that we have can be provided to the committee. We will be looking at default orders. We are the only entity that tracks this. We need to look into what imputation process is being used.

H 3: Provide a meaningful opportunity for public input: Unsure what the intent of the word meaningful is. It was suggested that we need public meetings throughout the state so that people can be heard. A focus group was also suggested. We need to look into the far south portion of the state where the population that falls within IV-D would be high. The following suggestions were made to reach people to get them involved: Internet, web site, email blasts, public service announcements, contact with community organizations that can help notify people and get them involved. We need to understand the impact of the guidelines on individuals who are going through the system. It was suggested that if people think that they were treated fairly they will be more likely to pay and that we are going to need expertise for the formulas that we use. Focus group data will go to Mary Bartolomucci and the HFS Director.

Clean Slate Subcommittee – Kirk Harris and Bryan Tribble

Dr. Harris spoke about spending over a year on revisions for Clean Slate and submitting the info. It was suggested that there would be opportunities to build bridges that could embrace clean slate work as we go through the quadrennial review. Dr. Harris strongly recommends that there be a meeting to determine what opportunity there is. He believes that there is enough info to move forward, but not sure in what direction. He would like

to see policy change and reinforcement strategies and collaborative connectivity across agencies. Mary Bartolomucci stated that we have talked a lot about this and that when originally tasked with this, the landscape was totally different.

For example, Senate Bill 1473 was passed. This removes the second suspension of driver's license without the burden of having to pay the case in full. There has been a lot of community outreach work with Representative Ford's office. Regardless of the direction, we can't remove balance that are due to the custodial parent. We need to see how this situation is addressed once everything is put in place. We need to see how it evolves. The other portion of SB1473, the removal of interest, will make a huge difference for the individuals who are likely to be impacted by Clean Slate. Dr. Harris mentioned that the existing debt is there, and they are still carrying that debt on credit reports, etc. He suggested that we need to look in multiple places as we continue to study this issue. Richard Zuckerman suggested that we need to pursue all avenues.

- **Shared Parenting Threshold Subcommittee – Howard Feldman**

Part of the quadrennial review guidelines fold shared parenting sub-committee into the review. There are intended and unintended consequences. This is a real issue. We will be taking a closer look at this through the quadrennial review.

- **Status of Pending Child Support Legislation – Richard Zuckerman**

There were three House Bills:

HB 4169 – Directly effects HFS. We are working on this.

HB 4905 – Refunds on overpayments and

HB 2556 – Repeal suspension of driver's licenses for child support and parenting time, assigned to senate Judiciary.

There are two other rule 19 dead bills:

HB 185 – 50/50 parenting time has been assigned to committee.

HB 2494 – Rep. Ford bill being revised, Driver's License suspension notice goes out, etc.

In the April meeting we will have status of these bills.

- **New Business**

Maggie Bennett asked if they can reach out to the ARDC to discuss the annual application process when applying to renew professional license. Richard Zuckerman said that this would be a rules change through the Supreme Court.

The Hon. Pamela Loza mentioned that all doctors, dentists, etc., must claim when they are in arrearage on child support. This needs to be discussed further.

Attorneys are not above the law. Mary Bartolomucci said that she thinks this has been looked at before. She will check to see if there is past info. Howard Feldman stated that the Supreme Court is fully aware for whatever reason. Maggie Bennett stated that attorneys and the ARDC should want to be transparent. Richard suggested contacting the ISBA.

- **Public Comment**

No public comment.

Bryan Tribble mentioned that we have been working with Dr. Venohr to get gross to net completed.

- **Closing**
Motion made to adjourn, motion seconded
- **Meeting Adjourned**